



NEVADA STATE  
COLLEGE

## ADMINISTRATIVE POLICY

# Student Code of Conduct (SA 5.1)

## POLICY STATEMENT

The Student Code of Conduct seeks to establish high standards of conduct for the Student community at Nevada State University. The Student Code of Conduct, and its associated processes for the resolution of Student misconduct, is intended to teach Students to live and act responsibly in a community. As Students participate in the campus community and its sponsored activities, they are responsible for their own actions and are subject to local, state, and federal laws as well as all University and Nevada System of Higher Education (NSHE) policies, procedures, rules, and regulations.

The University leadership views the Student Code of Conduct policy as not only a disciplinary policy but also a learning experience for the Student involved, with the expectation that this experience may result in individual Student growth, changes in behavior, and increased understanding of the Student's responsibilities and privileges within the University community. The Student Code of Conduct, therefore, functions as an aspect of the University's educational process.

The goals of the Student Code of Conduct policy are to promote a campus environment that supports the overall educational mission of the University; to protect the University community from disruption and harm; to encourage appropriate standards of individual and group behavior; and to foster ethical standards and civic virtues. The Conduct approach is rooted in the goal of keeping them enrolled in classes and retained at Nevada State if possible and giving Students an opportunity to learn from their decisions and behaviors.

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## DEFINITIONS

**Board of Regents:** Body legally charged with the control and management of NSHE, primarily by setting policy.

**University:** Nevada State University.

**University Premises:** All land, buildings, facilities, and other property owned, leased, used, or controlled by the University (including adjacent streets and sidewalks).

**Complainant:** Any person who submits a charge alleging that a Student violated the Student Code of Conduct.

**Email:** The Student's official NS email address. The University may, but is not required to, use any other email address for a Student in addition to the official NS email address. For purposes of notice, messages delivered to the official NS email address constitute notice when sent.

**Hazing:** An act which endangers the mental or physical health or safety of a Student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.

**Member of the University Community:** Any person who is a Student, faculty member, University official, or any other person employed by the University. The Student Conduct Officer shall determine a person's status as a Member of the University Community in a particular situation.

**Nevada System of Higher Education (NSHE):** System of universities, colleges, research, and public service units of the University of Nevada.

**Permanent Academic Record:** A Student's transcript and record in the Student Information System pertaining to the Student's academic career or history.

**Respondent:** Any Student accused of violating this Student Code of Conduct.

**Sanctions:** Disciplinary actions imposed through informal resolution by the Student Conduct Officer or through a formal hearing.

**Sexual Assault:** Use of, or threat to use, force or violence of a sexual nature against any guest or Member of the University Community on University Premises or at any University sponsored program or activity.

**Sexual Harassment:** For the purposes of this policy, a situation in which submission to a request or demand of a sexual nature is either an explicit or implicit term or condition of employment or of academic study or grading, or where verbal or physical conduct of a sexual nature has the effect of creating an intimidating, offensive, or hostile work or educational environment. Sexual Harassment includes sexual violence.

**Stalking:** Engaging, willfully or maliciously and without lawful authority, in a Course of Conduct that would cause a Reasonable Person to feel terrorized, frightened, intimidated, harassed, or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed, or fearful for the immediate safety of a family or household member. Stalking includes but is not limited to engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for their safety or the safety of others or to suffer Substantial Emotional Distress.

1. Course of Conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
2. Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling;
3. Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.

**Student:** All persons taking courses at Nevada State University, either full-time or part-time, including on an auditing basis. Persons who are officially enrolled but are not taking any course(s) in a particular term are considered Students. This includes individuals who have applied for admission to the institution or have been notified of their acceptance for admission. A person considered a Student remains so until a conduct matter is resolved, even if they leave the University prior to resolution of the matter.

**Student Conduct Board:** Hearing board established under Article V, Section E of this Policy.

**Student Conduct Officer:** University employee responsible for coordinating all activities of the University Student disciplinary system.

**Student Organization:** Any number of persons who have complied with the formal requirements for recognition/registration by the Office of Student Life.

**Working Days:** Monday through Friday when Nevada State classes are scheduled and in session.

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## PROCEDURES

### I. Authority and Jurisdiction

The Nevada State University Student Code of Conduct is established pursuant to the President of the University's authority under NSHE Code Chapter 10, Section 10.2.2, to establish and enforce rules and regulations governing Student conduct. The President has delegated the responsibility for enforcing such rules and regulations to the Vice President of Student Affairs. The conduct approach is rooted in a focus on retaining Students in classes and the University if possible. The authority for determining procedures for hearings and Sanctions for Code violations, however, ultimately rests with the Vice President of Student Affairs.

The University's disciplinary authority extends to persons identified as Students. This scope of authority also extends to persons with a continued intent to pursue an education at the University. Students are expected to comply with the Student Code of Conduct in all application materials and upon admission.

Every Student shall be responsible for all personal conduct from the time of application for admission through the actual awarding of a degree, even when conduct occurs before classes begin or after classes end, such as during periods between terms. The Student Code of Conduct applies to a Student's conduct even if the Student withdraws from school while a disciplinary case is pending. If a Student leaves the University, any unresolved complaints of alleged misconduct will be reviewed and addressed upon the Student's return. If the Student is asked to leave the University for behavior that violates the Student Code of Conduct, the student will be informed in writing via Email of the required expectations for a successful return. If there were circumstances involving a Student graduate of the University who is found to have been involved in action which directly affects the status of the degree and/or the University community, the University will invoke its authority to resolve the incident through a review of, and possible action to modify, the Student's status and record.

The authority of the University to address Student conduct involves all Students while they are present on or at any of the following:

- A. Premises owned or leased by the University;
- B. Campus housing;
- C. Off-campus buildings used by Students through their association with a Student Organization;
- D. Off-campus locations approved by the University for Student employment placement;

- E. Another site for an academic or extracurricular University-related experience, including all exchange programs.

This authority extends to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives, and where it adversely affects the health, safety, or security of any Member of the University Community. When an incident occurs off-campus that is not at a University or University-sponsored event, it will be the responsibility of the Vice President of Student Affairs, in consultation with the President, to determine whether University authority will be asserted. The VPSA will review each incident on a case-by-case basis to allow the institution to consider the unique facts of each situation.

Students may also be subject to rules of other University organizations, academic programs, and facilities that impose additional standards of conduct. Those standards may be enforced without a requirement to follow Student Code of Conduct procedures.

## **II. Rules and Regulations**

Any Student found to have committed or to have attempted to commit any of the following misconduct is subject to the disciplinary Sanctions outlined in Section VII below:

- A. Violation of stated prohibitions, policies, procedures, rules, or regulations of Nevada State University or NSHE;
- B. Violation of any federal, state, or local law;
- C. Acts of dishonesty, including but not limited to:
  - 1. Cheating, plagiarism, or other forms of academic dishonesty;
  - 2. Furnishing false information to any University official, faculty member, or office;
  - 3. Forgery, alteration, or misuse of any University document, record (including student records), or instrument of identification;
  - 4. Unauthorized representation as an agent of the University in discussions or negotiations with third parties;
  - 5. Sharing an instructor's copyrighted course materials;
- D. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities, including its public service functions on or off-campus, or of other authorized non-University activities when the conduct occurs on University Premises that rises to a level that cannot be addressed effectively by the academic unit's internal policies and processes.
  - 1. Disruptive behavior covered by the Student Code of Conduct does not include elements normally addressed through classroom management practices, such as outbursts in class, argumentative behavior, or wandering verbal thoughts or ideas.
  - 2. Before a disruption or obstruction of teaching or research is referred to the Student Conduct Officer, appropriate School-level approaches and procedures should be exhausted.
- E. Conduct that endangers the health or safety of any Member or guest of the University Community, including a Student's conduct which presents a danger to self;

- F. Physical abuse, verbal abuse, threats to another person's physical safety, intimidation (e.g., statements implying future harm to a person's physical safety), harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person;
- G. Attempted or actual theft of and/or damage to property of the University or property of a Member of the University Community or other personal or public property, on or off-campus;
- H. False reporting of any emergency situation;
- I. Unauthorized tampering with, and/or accessing of, safety, security, or fire protection equipment or devices;
- J. Setting off a fire alarm for reasons other than actual fire or emergency;
- K. Involvement in setting or causing any unauthorized fire in or on University property;
- L. Hazing. The express or implied consent of the victim is not a valid defense. Apathy or acquiescence in the presence of Hazing is not a neutral act; it is a violation of this rule;
- M. Failure to comply with the valid directions of University officials acting pursuant to their official duties and/or failure to identify oneself to these persons when validly requested to do so;
- N. Unauthorized possession, duplication, or use of keys to any University Premises or unauthorized entry to or use of University Premises;
- O. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law;
  - 1. Nevada State University is sympathetic to the medical needs of our Students, employees, and visitors. A growing number of states, including Nevada, have enacted laws decriminalizing or legalizing the use, possession, delivery, manufacture, growth, distribution, production, and/or cultivation (hereinafter "use") of medical marijuana. Federal law prohibits the use of medical marijuana on University and university campuses that receive federal funding. Therefore, the use, possession, or cultivation of marijuana, including for medical purposes, on any Nevada State University or Nevada State University Foundation owned or leased property, or at any Nevada State University sponsored or authorized activity, is expressly prohibited;
- P. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by University regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age;
- Q. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University Premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others;
- R. Obstruction of the free flow of pedestrian or vehicular traffic on University Premises or at University sponsored or supervised functions;
- S. Theft or other abuse of computer facilities and resources, including but not limited to:

1. Unauthorized entry into a file or software program to use, read, or change the contents, or for any other purpose;
  2. Unauthorized transfer of a file;
  3. Use of another individual's identification and/or password;
  4. Use of computing facilities and resources to interfere with the work of another Student, faculty member, or University official;
  5. Use of computing facilities and resources to send obscene or abusive messages;
  6. Use of computing facilities and resources to interfere with normal operation of the University computing system;
  7. Use of computing facilities and resources in violation of copyright laws;
  8. Any violation of University or NSHE computer use policy;
- T. Unlawful discrimination based on race, creed, color, sex, age, sexual orientation, disability, national origin, gender identity, or genetic information, or any act of employment or educational retaliation against any person who has made a complaint about such discrimination;
- U. Sexual Harassment;
- V. Sexual Assault;
- W. Abuse of the Student conduct system, including but not limited to:
1. Falsification, distortion, or misrepresentation of information during the course of the conduct resolution process;
  2. Contempt of Student disciplinary proceedings, including impairing or interrupting any proceeding;
  3. Initiation of a Student conduct code proceeding in bad faith;
  4. Attempting to discourage an individual's proper participation in, or use of, the Student conduct system;
  5. Failure to comply with Sanction(s) imposed under the Student Code of Conduct;
- X. Stalking;
- Y. Willful incitement of individuals to commit any acts herein prohibited.

### **III. NSHE Additional Standards of Conduct**

In addition to regulations for Student conduct for Nevada State University, all Students and Student Organizations are responsible for following the Rules of Conduct and Procedures for Students of the Nevada System of Higher Education. The prohibited conduct is found in the NSHE Code, Section 10.2.1.

### **IV. Violation of Federal, State, or Local Law and University Discipline**

- A. When a Student is charged by federal, state, or local authorities with a violation of the law, the University will not request or agree to special consideration for that individual due to their status as a Student. Action by the University may go forward regardless of other possible or pending administrative, civil, or criminal proceedings arising out of the same or other incidents. The Complainant may choose to file charges against the Student in one or both

arenas: internally, through the University's Student conduct system, and/or externally, through the criminal justice or civil system.

- B. The University may advise off-campus authorities of the existence of the Student Code of Conduct and of the process for resolution of a potential violation of the Student Code of Conduct. The University will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus. Individual Students remain free to interact with governmental representatives as they deem appropriate. Decisions regarding resolution of the University Student conduct case, including Sanctions imposed, shall not be subject to change because criminal charges arising out of the same facts prompting the violation of University rules were dismissed, reduced, or resolved in favor of or against the defendant in court.

## **V. Resolution of Student Conduct Charges**

- A. *Charges of Student Misconduct:* Any Member of the University Community may file charges against a Student for violations of the Student Code of Conduct. A charge shall be prepared in writing and filed with the Student Conduct Officer. Any charge should be submitted as soon as possible after the event takes place. If a charge is determined by the Student Conduct Officer (and/or the Vice President of Student Affairs' alternate designee) to be criminal and to violate federal, state, or local law, the matter may be referred to the appropriate law enforcement agency for investigation.
- B. *Investigations:* The Student Conduct Officer may conduct an investigation to determine if the charge has merit. At any time, the Student Conduct Officer, with the approval of the VPSA (or designee), may determine that the best course of action is to informally resolve the charge through mediation, conflict resolution, or an educational conference. Upon completion of the investigation, the Student Conduct Officer will notify the Respondent via Email; if the decision is that the charge has merit, the Respondent will also be notified by first-class U.S. Postal Service mail. The letter shall state the factual allegations, the charges, the Student Conduct Officer's proposed informal resolution process, if not completed earlier, and a copy of the Student Code of Conduct.
- C. *Informal Resolution of the Charges:* The Respondent shall participate in and work with the Student Conduct Officer for an informal resolution of the charge. At the conclusion of a successful informal resolution process, a written determination shall be signed by the Student Conduct Officer and Respondent, which may include any of the disciplinary Sanctions described in the Student Code of Conduct. At any time prior to signing a written determination, the Respondent can request a formal hearing as the means to resolve the complaint.
- D. *Failure to Reach Resolution:* If the Student Conduct Officer and Respondent do not reach an informal resolution within ten (10) Working Days or if the Respondent requests a hearing, the Student Conduct Officer shall notify the Respondent in writing that the matter will be addressed through a hearing before a Student conduct board. A time for the hearing, not more than twenty (20) Working Days from the date of the decision to proceed with a formal resolution of the complaint, shall be set. Maximum time limits for scheduling hearings may be extended at the discretion of the Student Conduct Officer. Notice of the hearing may be given by Email, by first-class mail via the U.S. Postal Service with delivery confirmation to the last known address of the Student, or by personal delivery. It is the Respondent's responsibility to maintain an updated mailing address.

E. *Appointment of Hearing Boards for Formal Resolution of Charges:* The Student Conduct Officer will establish a conduct hearing board. The Student conduct hearing board will have a chair and shall include at least one (1) Student and at least one (1) academic or administrative faculty member.

F. *Hearing Procedures*

1. In hearings involving more than one Respondent, the Student Conduct Officer has the discretion to permit the hearing concerning each Respondent to be conducted either separately or jointly.
2. The Respondent and the Student Conduct Officer are responsible for presenting their own information, introducing witnesses, and answering questions throughout the hearing. The Respondent has the right to be assisted by one advisor, who shall be either an attorney or University employee. The advisor serves as a supporter during the conduct hearing; however, the advisor has no right to speak during the hearing except to the Respondent. The Respondent must give written notice of the name and address of the advisor, and whether the advisor is an attorney, to the Student Conduct Officer at least five (5) Working Days before the day set for the hearing. An advisor will not be permitted at the hearing without such notice. The Student Conduct Officer has sole discretion to delay or reschedule a hearing to accommodate the advisor's scheduling conflicts.
3. Parents or guardians are able to observe the proceedings but are not allowed to take an active or advisory role.
4. The Respondent and Student Conduct Officer shall exchange lists of all witnesses and provide copies of all documents which each side proposes to introduce into evidence at least five (5) Working Days prior to the hearing.
5. The Respondent(s) and advisor(s), if any, along with the Student Conduct Officer, shall be allowed to attend the entire portion of the hearing at which information is received, excluding the period of deliberations. Admission of any other person to the hearing shall be at the discretion of the Student conduct board.
6. Witnesses will be examined by the Student Conduct Officer and the Respondent. The Student Conduct Board members may ask questions of the witnesses. The burden of proof rests with the Student Conduct Officer.
7. The Student Conduct Board or Student Conduct Officer may accommodate concerns for personal safety, well-being, and/or fears of confrontation by the Complainant, the Respondent, and/or witnesses during the hearing or during the informal resolution process by providing the opportunity for the Student Conduct Officer to receive pertinent information and to conduct conversations for the resolution of the case using methods other than requiring both parties to be present in the same room at the same time. Options may include use of a visual screen, participation by videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means as determined by the Student conduct board in the case of formal hearings and the Student Conduct Officer in the case of an informal resolution process.
8. Either party may present pertinent written statements, records, or other information to the Student conduct board. The Student Conduct Officer bears the burden of proof. The standard is preponderance of the evidence. The formal rules of evidence in court shall not apply; however, irrelevant or unduly repetitious evidence shall be excluded.
9. To the extent consistent with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. section 1232g, the hearing, except for deliberations, shall be taped or digitally recorded. Upon request by the Student, a written transcript will be provided at the Student's expense. Personally identifiable information pertaining to other Students will be redacted. The record shall be the property of the University,



and will be maintained with the Student's conduct records by the Student Conduct Officer.

10. Hearings shall be conducted in private, unless the Respondent requests an open hearing.
11. If a Respondent, with notice, does not appear at a hearing, the information in support of the complaint shall be presented, considered, and acted upon even if the Respondent is not present. Failure of the Student to appear is not evidence that the Student was responsible for or guilty of the charge of misconduct.
12. The hearing will proceed according to the University's schedule and will not be delayed by another proceeding off campus.
13. The Student Conduct Board chair presides over the hearing, including swearing in witnesses, maintaining order, and deciding matters of admission of evidence.
14. The Student Conduct Board deliberates in closed session after the hearing has concluded, and shall determine whether the Respondent has violated the section(s) of the Student Code of Conduct alleged.
15. The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the Respondent violated the rules of conduct alleged.
16. If the Respondent is found not to have violated the Student Code of Conduct, the hearing is concluded. If the Respondent is found to have violated the Student Code of Conduct, the Student Conduct Board will work with the Student Conduct Officer to determine the appropriate Sanction(s).
17. The Student Conduct Officer will provide the decision(s) on the violation and, if appropriate, for Sanctions to the Student Conduct Officer and to the Student within five (5) Working Days of the conclusion of the hearing. The written decision may be served by Email, by first-class mail via the U.S. Postal Service with delivery confirmation to the last known address of the Student, or by personal delivery. Service is complete upon sending of the email or depositing with the U.S. Postal Service.

G. *Additional Procedures Available when Sexual Harassment or Sexual Assault Is Alleged:* Cases in which Sexual Harassment or Sexual Assault is alleged will be managed in coordination with the campus Title IX Officer. Refer to NSHE Handbook Title 4, Chapter 8, Section 14 for additional information. Findings may be provided to the Student Conduct Officer for issuance of Sanctions.

## **VI. Appeals**

- A. A Respondent who is aggrieved by the decision of a Student Conduct Board may appeal to the Vice President of Student Affairs (or designee). The appeal shall be in writing (via email and/or first-class U.S. mail) and delivered to the Student Conduct Officer within ten (10) Working Days of the decision being emailed or postmarked at the U.S. Post Office. The Student's appeal must include all written arguments in support of the appeal.
- B. Grounds for an appeal are:
  1. Deviations from procedures set forth which result in significant prejudice;
  2. The evidence presented at the hearing was not substantial enough to justify the decision;
  3. The Student/organization charged was not afforded an adequate opportunity to prepare and present a defense;
  4. The Sanction imposed was not appropriate for the violation established;
  5. New information sufficient to alter a decision, and which could not have been discovered with due diligence before the hearing, is available.

- C. The Student Conduct Officer shall review the appeal and direct it, along with the recording of the hearing, any written evidence and arguments, and the decision, to the Vice President of Student Affairs (or designee) within ten (10) Working Days of receiving the appeal. The Student Conduct Officer shall also submit written arguments in opposition to the appeal.
- D. The Vice President of Student Affairs (or designee) shall review the recording of the hearing and the complaint, the decision, and any information or evidence that was part of the decision-making process for the conduct case. The Vice President of Student Affairs (or designee) may uphold or modify the decision, may refer the case back to the original Student Conduct Board, or may order a new hearing before a new Student conduct board.
- E. The decision of the Vice President of Student Affairs (or designee) shall be in writing and made available to the Respondent and Student Conduct Officer within thirty (30) calendar days of receipt of the appeal. The Vice President of Student Affairs (or designee) may extend the time limit of this section by written notice via email to all parties.
- F. Any Sanction against the Student shall not take effect until any appeal is concluded.

## VII. Sanctions

It is the Student's responsibility to provide the Student Conduct Officer with updates and documentation regarding compliance with Sanctions. Disciplinary Sanctions may include listing Not in Good Standing status on a Student's official academic transcript, institutional expulsion, or withholding of a degree, and shall become part of the Student's Permanent Academic Record.

- A. The following Sanctions may be imposed upon any Student found to have violated the Student Code of Conduct. More than one sanction listed below may be imposed for any single violation.
  1. *Warning*: A notice in writing to the Student that the Student is violating or has violated the Student Code of Conduct;
  2. *Restitution*: Compensation for loss, damage, theft, or misappropriation of property, or injuries sustained in an incident of Student misconduct. This may take the form of appropriate service and/or monetary or material replacement;
  3. *Probation*: Probation for a designated period of time and includes the probability of more severe disciplinary Sanctions if the Student is found to violate any University policies, rules, procedures, or regulations during the probationary period.
  4. *Loss of Privileges*: Denial of specified privileges for a designated period of time, including, but not limited to, eligibility for Student employment, participation in Student clubs and organizations, or participation as a Student ambassador or peer mentor;
  5. *Discretionary and Educational Sanctions*: Participation in specific educational programs, such as alcohol and/or other drug educational intervention programs, assessments, educational activities (e.g. online instructional workshops), work assignments, service to the University or the surrounding community, or other related discretionary assignments;
  6. *Deferred University Suspension*: Deferred suspension from the University until the close of the current term or some other time frame for review of the Student's progress in addressing the conduct concern. If further conduct violations occur during the period of suspension, a recommended suspension takes effect immediately.
  7. *University Suspension*: Exclusion for a definite period of time from attending classes and from participating in other University activities, as set forth in a written notice to the Student. The official transcript of the Student shall be marked "DISCIPLINARY

SUSPENSION EFFECTIVE \_\_\_\_ TO \_\_\_\_.” The parents or legal guardians of minor Students shall be notified of the action.

- i. A Student who is enrolled in the last semester before graduation or is not currently enrolled in the University and who was not registered during the previous fall or spring semester or who graduated at the end of the previous semester may request that the notation of the disciplinary suspension be removed from the official transcript when two (2) academic years have elapsed since the expiration of the Student’s suspension. Such request must be submitted in writing to the Vice President of Student Affairs in accordance with NSHE Code Title 2, Section 10.4.9(j). If the request is not granted, the Student may submit a request for removal of the notation at yearly intervals thereafter.
8. *University Expulsion:* Termination of Student registration and status for an indefinite period of time. Permission of the Vice President of Student Affairs shall be required for readmission. The official transcript of the Student shall be marked “DISCIPLINARY EXPULSION EFFECTIVE \_\_\_\_.” The parents or legal guardians of minor Students shall be notified of the action.
    - i. A Student who is enrolled the last semester before graduation or is not currently enrolled in the System and who was not registered during the previous semester or who graduated at the end of the previous term may request that the notation of the disciplinary expulsion be removed from the official transcript when four (4) years have elapsed since the expiration of the Student's expulsion or termination. The request must be submitted in writing to the Vice President of Student Affairs in accordance with NSHE Code Title 2, Section 10.4.9(l). If the request is not granted, the Student may submit a request for removal of the notation at yearly intervals thereafter.
  9. *Revocation of Admissions and/or Degree:* Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violations of University standards in obtaining the degree, or for other serious academic violations committed by a Student prior to graduation.
  10. *Not in Good Standing Status.* The academic transcript designates the Student left the University before disciplinary Sanctions were completed.
- B. Other than University expulsion, revocation, withholding of a degree, or notation of Not in Good Standing Status, disciplinary Sanctions shall not be made part of the Student’s Permanent Academic Record, but shall become part of the Student’s disciplinary record maintained by the appointed Student Conduct Officer. Upon graduation, the Student’s disciplinary record may be expunged of disciplinary actions other than suspension, expulsion, revocation, or withholding of a degree upon written request to the Student Conduct Officer and approval by the Vice President of Student Affairs.
  - C. Students found responsible for an academic dishonesty violation may be subject to additional academic Sanctions as stated within the Academic Standards Policy.
  - D. Student Organizations may be subject to Sanctions as stated in Section IX.

## **VIII. Emergency Removal**

The Vice President of Student Affairs (or designee) may order the immediate removal of a Student from the campus so as to:

- A. Ensure the safety and well-being of Members of the University Community;
- B. Protect University property;
- C. Ensure the Student's own physical or emotional safety and well-being;
- D. Prevent an ongoing threat of disruption of, or interference with, the normal operations of the University; or
- E. Protect any Student from Sexual Harassment or retaliation for the report of Sexual Harassment.

Such removal shall be accompanied by denial to the Student of access to the campus, including classes, and/or to all other University activities or privileges for which the Student might otherwise be eligible, as the Vice President of Student Affairs deems appropriate. During the period of removal from campus, the Student may not come onto University property for any reason other than meeting with appropriate University official(s), when asked to do so, regarding resolution of the emergency removal and the Student conduct resolution.

Any Student so removed shall be afforded an opportunity for a hearing no later than ten (10) Working Days following the removal. The hearing shall be limited to whether the emergency removal should continue pending the outcome of a disciplinary hearing. A Student Conduct Board shall hold the hearing under the hearing procedures (see V.F above). The Vice President of Student Affairs's decision upon the Student Conduct Board's recommendation shall be final and is not subject to appeal.

An emergency removal does not replace the regular disciplinary process, which shall proceed on the normal schedule, up to and through a Student conduct hearing, if required.

When a Student is removed for their own emotional and personal safety, a resolution on the decision regarding the Student's removal from campus will be addressed through an informal meeting with the Student Conduct Officer. The goal of the meeting is to create a plan for most effectively meeting the Student's personal and scholarly needs as a continuing Student.

## **IX. Student Organizations**

Student Organizations are expected at all times to conduct themselves in accordance with the Student Code of Conduct. A Student Organization believed to be involved in any of the activities identified in this policy as misconduct may be reported to the Student Conduct Officer for an investigation of the activity in question. A Student Organization is responsible for a violation of the Student Code of Conduct if 1) a member acts in contravention to the Code of Conduct as a representative of the organization; 2) the member's actions, which contravene the Code of Conduct, result from the practices or dispositions of the Student Organization; or, 3) the member's actions, which contravene the Code of Conduct, have been explicitly or tacitly approved by the Student Organization.

- A. *Procedure for Student Organizations:* The procedure for addressing a charge filed through the Student Conduct Officer against a Student Organization is as follows:
  - 1. A written complaint is made with the Student Conduct Officer;
  - 2. The Student Conduct Officer investigates the complaint;

3. The Student Conduct Officer determines whether the evidence supports the allegation of misconduct, and if so, may proceed with an informal resolution, including the imposition of any of the Sanctions in IX.B;
4. The Student Organization may accept the decision or may request a hearing;
5. The Student Conduct Board will meet with the appropriate parties to make findings of fact and determine appropriate Sanctions.

B. *Sanctions for Student Organizations*: Available Sanctions include all those stated under VII: Sanctions, as well as any of the following:

1. Prohibition from recruiting and/or accepting new members;
2. Prohibition from participating in University events and co-curricular activities;
3. Restitution to reimburse the legal owners for a loss due to defacement, damage, fraud, theft, or misappropriation of property. The failure to make restitution shall be the cause for more severe disciplinary action;
4. Denial of use of University facilities;
5. Loss of recognition.

## X. Interpretation

Any question of interpretation or application of the Student Code of Conduct shall be referred to the University's General Counsel.

## FORMS/INSTRUCTIONS

## CONTACTS

UNIT	CONTACT	PHONE	EMAIL
Vice President of Student Affairs	Dr. Stefanie Coleman	702-992-2511	<a href="mailto:Stefanie.coleman@nsc.edu">Stefanie.coleman@nsc.edu</a>

## RELATED INFORMATION

- Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. section 1232g
- NSHE Code Chapter 10, Sections 10.2.1, 10.2.2, and 10.4.9(j and l)
- NSHE Handbook Title 4, Chapter 8, Section 14

## HISTORY

Replaces SA 5: Student Code of Conduct.

**APPROVALS PAGE**

*Stephanie Bonad*

\_\_\_\_\_  
 Vice President of Student Affairs (Signature)      5/5/23      Date

Recommendation (check one):

	Denial	Approval	Approval w/ condition*
<i>Recommendation</i>		X	

*DeBonne P. Pollard*

\_\_\_\_\_  
 Office of the President (President's Signature)      8/4/23      Date

(check one):

	Denial*	Approval
<i>Final Decision</i>		X

\*Attach rationale for denial or conditional approval