



# ***Western Nevada College***

## **Annual Security Report**



# **2025**

The Annual Security Report is prepared by University Police Services. This report, which was published in October 2025, contains statistics for the three most recent calendar years of 2022, 2023, and 2024.



Message from the President

I would like to extend a welcome to everyone and thank you for taking the time to read the Annual Security and Safety Report.

Western Nevada College (WNC) is committed to providing high quality learning experiences in an environment where students, faculty, staff and visitors feel safe. WNC prioritizes the safety and well-being of all of the members of our community. To further ensure the security of those on our campuses, WNC partners with University Police Services to provide a police presence with full-time sworn officers as well as campus security officers.

WNC continuously takes steps to ensure that students, faculty, staff and visitors are safe while on campus. In order to do so, we depend on our community members to report any suspicious activity or crimes for which they are aware.

I welcome any comments or suggestions that may assist us in maintaining the safety of our community.

J. Kyle Dalpe, Ph.D.  
President  
Western Nevada College

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University of Nevada, Reno

**Eric James**

Assistant Vice President  
Chief of Police

### Message from the Director

University Police Services proudly provides police service to the University of Nevada, Reno, Truckee Meadows Community College, the Desert Research Institute – Reno, Western Nevada College and Great Basin College. Police Services continues to enhance the quality of life on our campuses by building relationships and working collaboratively within our diverse community to reduce crime, enforce laws, preserve peace, and provide for a safe environment.

Although reported crime at UNR, TMCC, DRI – Reno, WNC and GBC is low, it is important to remember that we are not immune from crime, as we share many of the crime and safety issues that exist in any complex environment, and therefore the safety and security of our communities is the combined responsibility of all of us. I remind you that if you “See Something, Say Something” and report incidents of concern to police immediately.

As you read through this Annual Security and Fire Safety Report, you will find information about policies and practices regarding safety, security and crimes occurring on or near campus. Our commitment to keeping our community informed is just one way we strive to keep our campus environment safe and enjoyable.

Please feel free to contact me directly at [ejames@unr.edu](mailto:ejames@unr.edu), or by phone at (775) 784-4013 if you have any questions, concerns or suggestions for Police Services.

It is my honor to have the opportunity to serve you.

Eric James  
Assistant Vice President & Director  
University Police Services

**University Police Services,  
Northern Command**

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University of Nevada, Reno/0250  
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## **Preparation and Disclosure of Crime Statistics**

University Police Services prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with our partner local law enforcement agencies surrounding our campuses, and the college officials.

Campus crime, arrest and referral statistics include those reported to University Police Services (the Department of Public Safety prior to April 1, 2019), designated campus officials, and local law enforcement agencies. Statistics included in the current Annual Security Report are for all of our campuses combined. All Western Nevada College (WNC) campuses follow the same policies except where otherwise noted and included in their respective sections. Effective April 1, 2019 University Police Services at the University of Nevada, Reno assumed jurisdiction of all WNC properties, providing sworn law enforcement services. Please note that while outside jurisdiction statistics are requested from all applicable agencies, not all of the agencies respond to the requests; however, all statistics that were reported are included in this report.

WNC does not provide residential dormitories or facilities for on campus student housing. The WNC Department of Public Safety had primary responsibility for collecting and categorizing, crime statistics for calendar year 2018. As of April 1, 2019 University Police Services has assumed this responsibility.

An e-mail notification is made to all enrolled students that provides a web link to access this report. The full text of this report can be located on our website at <https://wnc.edu/police/>.

Anyone wishing to obtain a paper copy may do so at the University Police Services substation located on the second floor of the Bristlecone building, room 123 Monday – Friday 8:00 a.m. to 5:00 p.m. (excluding holidays on which the college offices are closed).

## **University Police Services Authority and Jurisdiction**

University Police Services is a fully functional law enforcement agency. University Police Services officers have full police powers; certified by the Nevada Peace Officer Standards and Training (POST) in accordance with the laws of the State of Nevada. Officers perform the same functions as their peers from city, county and state agencies—enforcing all local, state and federal laws and ordinances within the jurisdiction of the Nevada System of Higher Education (NSHE) properties in northern Nevada. University Police Services officers patrol NSHE properties 24 hours a day, 365 days a year.

As of April 1, 2019, University Police Services officers have jurisdiction on the Western Nevada College main campus.

University Police Services works in cooperation with all regional law enforcement agencies through official agreements for mutual assistance. In Carson City the department is linked to these agencies through the Carson City Communications Dispatch Center, which provides emergency dispatch services throughout the city.

At the WNC Douglas Campus, the Douglas County Sheriff's Office will be the primary first responders. University Police Security Officers will provide a presence on the campus during college operations from 5:30 p.m. to 10:00 p.m. and University Police Officers will provide periodic patrols.

The Fallon Police Department will be the primary first responders on the Fallon Campus. Facility attendants will provide a daily security presence on this campus.

University Police Services Officers work closely with partner outside agencies for each WNC campus. University Police will provide investigation, K-9, and threat assessment services to all Western Nevada College locations.

## Interlocal Agreement

University Police Services works closely with surrounding law enforcement agencies to include the Nevada Department of Public Safety, the Carson City Sheriff's Office, Douglas County Sheriff's Office, and the Fallon Police Department.

University Police Services maintains a memorandum of understanding (MOU) with each of these agencies giving University Police Services officers the ability to render aid and provide for mutual assistance between local law enforcement partners. The MOU allows for University Police Services officers to exercise their powers or authority on public and private property within Carson City, Douglas County, Fallon, and various other sites throughout northern Nevada.

In accordance with the agreement, the Assistant Vice President & Director of University Police Services, or their designee, may request assistance from any of these agencies, in any law enforcement matter within the jurisdiction of University Police Services.



## University Police Services Encourages the Accurate and Prompt Reporting of Crimes

Students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to University Police Services as soon as possible. Faculty and staff are required to report crimes they become aware of through contact with members of the campus community.

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

To report crimes or request officer assistance on the Carson City campus dial (775) 887-COPS (2677) (non-emergency dispatch), dial 911 (emergencies only) or call (775) 230-1952 to reach the University Police Services substation.

The Douglas County Sheriff's Office will be the primary first responders on the Douglas Campus. To report crimes or request officer assistance on the Douglas campus dial (775) 782-5126 (non-emergency dispatch), dial 911 (emergencies only), or dial (775) 230-1952 to reach the University Police Services substation.

The Fallon Police Department will be the primary first responders on the Fallon Campus. To report crimes on the Fallon campus or to request officer assistance dial (775) 423-2111 (non-emergency), 911 in (emergencies only). To reach or dial (775) 782-5126 to reach the University Police Services substation.

Reports can be filed for any campus in person at the University Police Services substation station located on the Carson City campus in Bristlecone building, room 123 Monday – Friday 8:00 a.m. to 5:00 p.m. (excluding holidays on which the college offices are closed), online at [www.unr.edu/police](http://www.unr.edu/police), or by calling University Police Services Headquarters at (775) 784-4013.

## Security and Access

For security purposes, campus buildings are secured when classes and activities have finished each day. Facilities are kept secured during periods when college sanctioned functions are not being conducted. All persons required to be on campus when facilities are closed are requested to contact University Police in Bristlecone 123, (ext. 3308) or 775-230-1952.

College facilities on the Carson City Campus are generally open from 7am-10pm, Monday through Friday, and from 7:30am-5pm on Saturdays. College is closed on Sunday. Persons requesting access to college facilities after hours will be required to show appropriate identification and state the reason for being on campus. On a need basis, and with proper authorization, students, faculty, and staff may be provided with access to those facilities which are operated with manual or electronic lock access controls. There is no student housing located on any of the WNC campuses. Students desiring to be on campus after hours are to be in the company of a faculty or staff member or provide written permission from an appropriate college official.

College Facilities on the Douglas campus are shared with Aspire Academy. WNC does not operate classes on the Douglas Campus until 3pm. The hours for WNC at the Douglas campus are generally M-TH 3pm-10pm during school semesters. The Douglas campus during semesters is closed on Friday, Saturdays, and Sundays barring a class or special event. Outside the semesters, the WNC Douglas campus is closed except for specialized hours a week or two before the semester begins. Persons requesting access to college facilities after hours will be required to show appropriate identification and state the reason for being on campus. On a need basis, and with proper authorization, students, faculty, and staff may be provided with access to those facilities which are operated with manual or electronic lock access controls. There is no student housing located on any of the WNC campuses. Students desiring to be on campus after hours are to be in the company of a faculty or staff member or provide written permission from an appropriate college official. Notify the

Department of Public Safety before access is needed by calling 775-230-1952.

College Facilities on the Fallon campus are generally available during the semester M-F 8am-10pm. Outside of the semesters, the WNC Fallon campus is open generally M-F 8am-5pm with times adjusted for classes or events. Persons requesting access to college facilities after hours will be required to show appropriate identification and state the reason for being on campus. On a need basis, and with proper authorization, students, faculty, and staff may be provided with access to those facilities which are operated with manual or electronic lock access controls. There is no student housing located on any of the WNC campuses. Students desiring to be on campus after hours are to be in the company of a faculty or staff member or provide written permission from an appropriate college official. Notify University Police Services before access is needed by calling 775-230-1952 or the Fallon Campus at 775-445-3379.



## Limited Confidential Crime Reporting

Western Nevada College Public Safety encourages anyone who is the victim of, or witness to, any crime to promptly report the incident to the WNC Public Safety Department (775) 230-1952, their local police department by dialing 911, or talk to someone about what happened in order for them to receive the support they need and so the college can respond appropriately. Different employees on campus have different abilities to maintain a reporting student's confidentiality.

If a reporting student discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the college will weigh that request against the college's obligation to provide a safe, non-discriminatory environment for all students, including the reporting student.

If the college honors the request for confidentiality, a reporting student will be informed that the college's ability to investigate the incident and pursue disciplinary action against the identified student may be limited.

There are times when, in order to provide a safe, non-discriminatory environment for all students, the college may not be able to honor a reporting student's request for confidentiality. The college has designated the following individual to evaluate requests for confidentiality made by a reporting student:

Victor Navarro, Title IX Coordinator  
title9@wnc.edu

The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

## Confidential Reporting

Western Nevada College has counselors on staff who can provide limited counseling services regarding sensitive information. However, WNC does not employ counselors whose office responsibilities include providing psychological counseling to members of the campus community and who function within the scope of his or her license or certification.

If you are uncomfortable reporting an incident to the Department of Public Safety, you may contact any Campus Security Authority.

Campus Security Authorities (CSA) at the college include the following:

1. UNR Police Services Employees
2. Campus Public Safety Officers and all individuals hired in a security function for campus events
3. Student Conduct Officers
4. Vice President of Academic and Student Affairs
5. Student Life Coordinator
6. Title IX Coordinator

Crime reports can be made to any CSA in confidence. CSA's may have other reporting obligations and will only report to University Police Services for statistical purposes, that an incident occurred without revealing any personally identifying information. Disclosures by any CSA may not trigger an investigation into an incident against the reporting student's wishes, except in certain circumstances that pose an immediate or ongoing threat to campus safety.



## How to Report a Crime

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

For Emergencies:

Dial 911- (from a campus phone, you must dial 9-911)

Give your name and location (state specifically that you are at the college)

Briefly describe the activity you are reporting

Request medical attention if needed

Remain calm and speak slowly

Stay on the phone until the dispatcher ends the call

If possible, give a description of the person (s) and vehicle involved, location or direction of travel and presence of weapons if known

For non-emergency situations:

Carson City: (775) 887-COPS (2677)

Douglas: (775) 782-5126

Fallon: (775) 423-2111

University Police Services:

Non-Emergency: (775) 230-1952

## Daily Crime Log

A daily log of reported crimes is maintained by University Police Services records division in accordance with the Clery Act. The crime log includes the type of incident, reported date and time of occurrence and general location as well as the disposition of the incident, if this information is known.

The daily crime logs for the WNC Carson City, Douglas and Fallon Campuses are available online at <http://www.unr.edu/police/daily-crime-log>.

The Carson City Campus crime log can also be viewed by the public at the Department of Public Safety Office in the Bristlecone Building Monday - Friday 8:00 am to 5:00 pm (excluding holidays on which college offices are closed).

## Important Numbers to Know

University Police Services

Emergency: 911

Non-Emergency: (775) 887-COPS (2677)

Substation Business Office: (775) 230-1952

University Police Services Headquarters:

(775) 784-4013

[www.unr.edu/police](http://www.unr.edu/police)



## Timely Warnings

A Timely Warning is an alert that is issued to the entire campus community whenever a crime covered by the Clery Act poses a serious or continuing threat to the students, employees, or visitors to any WNC location. Timely warnings are issued without delay as soon as enough pertinent information is available and extends to all University properties covered by the Clery Act.

### PROCEDURE

Any Clery Act crime or situation which may present a potential threat to the campus community is communicated to the campus community as soon as possible. Reporting is to include campus buildings and facilities, non-campus buildings, property, and public property within or immediately adjacent to, and accessible from, the main campus. Properties may include buildings and/or property owned or controlled by student organizations that are officially recognized by the institutions or any building or property owned or controlled by the institution and used in direct support of, or in relation to, the institution's educational purposes. Reporting requirements include properties which are frequently used by students which may or may not be within contiguous geographic proximity to the main campus.

The Assistant Vice President & Director of University Police Services or his/her designee may make the final determination of when a timely warning will be issued and disseminated, on a case by case basis.

When a timely warning is issued, it is the responsibility of the Assistant Vice President & Director of University Police Services or in his absence by the on scene supervisor, to cause immediate notification to the representatives of the College President's Office, and Dispatch.

Determining whether to issue a timely warning will be evaluated on a case-by-case basis, taking into account both the frequency of the offense and the likelihood of additional occurrence.

The following officials are authorized to disseminate alerts:

- A. Assistant Vice President and Director of University Police Services
- B. Assistant Chief of University Police Services
- C. Lieutenants of University Police Services
- D. Clery Compliance Officer of University Police Services
- E. Western Nevada College Office of the President
- F. Public Safety Dispatch

Timely warnings will contain the phrase "Timely Warning Notification", in the subject line. The body of the alert may include a short description of the crime or incident giving the time and date, location, reported offense, suspect description, weapon used (if any), and suspect vehicle (if any) and method of operation (MO) used to facilitate the crime. The alert may also include personal safety information to aid members of the college community in protecting themselves from becoming victims of a similar crime and promote overall safety.

Methods of dissemination may include, but are not limited to, electronic distribution through mass email, text messaging, posting of hard copies in public areas, posting on college and public safety web sites, voice mail recordings, campus monitors, reverse 911 and dissemination via local media outlets.

If appropriate, status updates as to the resolution and/or unfounded status of the crime or emergency situation will be similarly disseminated and updated as soon as possible.

Reporting members of the community who know of a crime or other serious incident should report that incident as soon as possible to the University Police Services, so a determination can be made as to issuing an alert.

## Emergency Notifications

An Emergency Notification is an alert that may be issued whenever any significant emergency or dangerous situation poses an immediate threat to the health or safety of students or employees on the campus. This could overlap and include a Clery crime such as a shooting, but it also covers crimes not reportable under Clery as well as non-criminal incidents, such as an outbreak of a communicable illness, an impending weather emergency or a gas leak. Notifications are to be issued without delay upon confirmation of the emergency and may be tailored exclusively to the segment of the campus at risk.

### PROCEDURE

Any crime or situation which may present a potential threat to the campus community is communicated to the campus community as soon as possible. Reporting is to include campus buildings and facilities, non-campus buildings, property, and public property within or immediately adjacent to, and accessible from, the main campus. Properties may include buildings and/or property owned or controlled by student organizations that are officially recognized by the institutions or any building or property owned or controlled by the institution and used in direct support of, or in relation to, the institution's educational purposes. Reporting requirements include properties which are frequently used by students which may or may not be within contiguous geographic proximity to the main campus.

The Assistant Vice President & Director of University Police Services or his/her designee may make the final determination of when a Timely Warning or an emergency notification will be issued and disseminated, on a case by case basis.

When an emergency notification is issued, it is the responsibility of the Assistant Vice President & Director of University Police Services or in his absence by the on scene supervisor, to cause immediate notification to the representatives of the College President's Office, and Dispatch.

Determining whether to issue an Emergency Notification for non-Clery Act crimes will be evaluated on a case-by-case basis, taking into account both the frequency of the offense and the likelihood of additional occurrence.

The following officials are authorized to disseminate alerts:

- A. Assistant Vice President and Director of University Police Services
- B. Assistant Chief of University Police Services
- C. Lieutenants of University Police Services
- D. Clery Compliance Officer of University Police Services
- E. Western Nevada College Office of the President
- F. Public Safety Dispatch

Emergency notifications may contain the phrase "Crime Alert" or "Emergency Notification", in the subject line. The body of the alert may include a short description of the crime or incident giving the time and date, location, reported offense, suspect description, weapon used (if any), and suspect vehicle (if any) and method of operation (MO) used to facilitate the crime. The alert may also include personal safety information to aid members of the college community in protecting themselves and promote overall safety.

Methods of dissemination may include, but are not limited to, electronic distribution through mass email, text messaging, posting of hard copies in public areas, posting on college and public safety web sites, voice mail recordings, campus monitors, reverse 911 and dissemination via local media outlets

If appropriate, status updates as to the resolution and/or unfounded status of the crime or emergency situation will be similarly disseminated and updated as soon as possible.



## **Emergency Response and Evacuation Procedures**

WNC has implemented a comprehensive Emergency Notification System that can alert and inform campus community members in the event of an imminent threat to health and safety (e.g. tornado, active shooter, hazardous material spill, fire, earthquake, etc.). The system used is a siren system in coordination with Code Red messaging on the Carson City campus.

Upon confirmation from a Public Safety officer or college official regarding a significant emergency or dangerous situation involving an immediate threat to the health and safety of the campus community members, emergency notifications will be disseminated without delay to campus community members via text message and email alerts, internal public address system and an internal/external siren (where applicable). The Director of Public Safety, working in conjunction with other college officials will determine the content of the emergency notification, select the most appropriate method(s) for disseminating the information as quickly as possible, and initiate the notification system. The Director of Public Safety, Public Safety officers, and authorized college personnel have responsibility for issuing notifications via the college's Emergency Notification System. The content of the notification will be determined by the person who is starting the emergency notification system and based on the situation. Some examples are given in the WNC emergency notification booklet near each station as well as pre-programmed messages in the Code Red System. The text message system WNC Alerts (Code Red) is a free service that students, faculty, and staff are automatically subscribed into in order to receive information directly to their text enabled mobile phone in the event of an emergency or campus closure. The system is an opt-out system. To sign up for the service if one is a student who is not getting the text messages they can sign-up through admissions and records at (775-445-3277). If an employee or faculty is not getting the text messages they can contact the HR department at (775-445-4237). The external/internal siren is capable of producing audible and voice commands to the campus community in the event of an emergency. When you hear the audible alert tone or see blue emergency lights flashing be prepared to enact emergency procedures such as run, hide, or fight. Voice commands can be given in certain situations, but may not be given for every situation. Other emergency notification methods the college employs

can include fliers posted at entryways, the college's homepage ([www.wnc.edu](http://www.wnc.edu)), digital displays, broadcast radio, and television alerts. Calling the college's main number 775-445-3000 during a special emergency will give emergency information to the larger community. Additional information can also be found on the college's website as well as local radio and television stations.

Emergency evacuation routes are conspicuously posted in each classroom on our campuses. College officials will conduct annual tests and exercises of emergency response and evacuation procedures in order to ensure an orderly response to incidents necessitating such measures and to continuously assess the readiness of our emergency response and recovery capabilities. Tests will be announced in advance via email, the college's homepage, and other available methods.

### **Testing Emergency Response and Evacuation Procedures**

Western Nevada College participates in emergency tests and evacuation drills throughout the year and conducts follow-through activities to assess and evaluate emergency procedures. Drills are conducted to prepare building occupants for an evacuation in the case of an actual emergency. The Department of Public Safety coordinates announced and unannounced drills to test various procedural operations. Methods of dissemination may include, but are not limited to, electronic distribution through mass email, text messaging, posting of hard copies in public areas, posting on WNC and WNC Public Safety web sites, voice mail recordings, and dissemination via local media outlets. The Department of Public Safety monitors these drills in order to evaluate the response and prepare an after action report with information on systems that worked as assigned, systems that encountered problems and recommendations for improvement.

## **Security Awareness Programs**

Each semester, the Department of Public Safety office informs new employees of campus policies and security awareness tips. Public Safety Officers conduct presentations relating to crime prevention and safety policies during orientations and at other times, when requested by staff or students. Security awareness materials are distributed to all incoming students and they are expected to help take part in campus safety by being active participants in their personal safety.

## **Crime Prevention Programs**

University Police Services offers various personal safety, and crime prevention programs on a continual basis throughout the year. University Police Services personnel facilitate programs for students, faculty and new employees, and student organizations, providing a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes. Available programs include:

### ***Workplace Violence prevention and Active Shooter***

Classes are offered by University Police Services regarding warning signs, prevention methods, and steps that should be taken if employees find themselves in any of these types of situations. These classes are offered on an ongoing basis through the calendar year.

### ***Personal Safety***

E-alarms are available from the Associated Students of Western Nevada for students and staff who wish to carry one with them.

### ***Workplace Security Site Assessments***

University Police Services will walk through a department office space or building to identify vulnerabilities, assist in creating an active threat plan, and discuss best practices for safety and security of the workplace.

## **Crime Prevention and Personal Safety Tips**

Effective crime prevention begins with personal involvement and responsibility. By taking a few moments before acting, we can all make ourselves less likely to become a victim or a statistic. The following is a list of DOs and DON'Ts to help you in protecting your personal property and yourself.

Do lock your car at all times-when parked and when driving;

DO use the lighted walkways going to and from the parking lots;

DO report all crimes and/or suspicious activities to Public Safety promptly;

DO mark your valuable possessions (books, calculators, phones, recorders etc.) i.e. with your driver's license number;

DO call Public Safety (230-1952) if you desire an escort;

DO treat all personal property as you do cash;

DO ask a friend to walk with you to the parking lot;

DON'T leave valuables in plain sight in your vehicle (iPods, GPS devices, books, etc.).

DON'T leave books, handbags, book bags, wallets, purses, etc. unattended in the library, cafe/market, restrooms or study areas;

DON'T leave your purse or other valuables in an unlocked desk or file cabinet;

DON'T walkthrough dark areas without an escort;

DON'T leave cash or checks in your unlocked desk or file cabinet.

Crime prevention is everyone's job. With some effort and forethought we can maintain a safe campus environment.

## **Western Nevada College Alcohol and Drug Free Workplace Policy Statement**

Alcohol and drug abuse and the use of alcohol and drugs in the workplace are of concern to the State of Nevada and to the northern institutions of the Nevada System of Higher Education (NSHE). These institutions comply with the Omnibus Anti-Drug Abuse Act of 1988 and the Drug-Free Schools and Communities Act of 1989. It is the policy of this State and of NSHE to ensure that its employees do not report for work in an impaired condition resulting from the use of alcohol or drugs; consume alcohol while on duty; or unlawfully possess or consume any drugs while on duty, at a work site or on State or NSHE property, or while driving an NSHE vehicle. Any employee who violates this policy is subject to disciplinary action.

As provided by statute, any employee who (a) exhibits signs and symptoms consistent with alcohol and/or drug intoxication; (b) is involved in a workplace vehicle accident in accordance with NAC 284.888; (c) is involved in a workplace accident for which they seek medical treatment in accordance with NAC 284.888 or who (d) applies for a position approved by the Personnel Commission as affecting public safety, is subject to a screening test for alcohol, drugs, or both. Employees found to be under the influence of drugs or alcohol while on duty will be referred to the Employee Assistance Program. Nevada Administrative Code 284.884 defines the maximum concentration of alcohol in blood or breath as greater than .02 gram. The Appointing Authority shall take into consideration the circumstances and actions of the employee in determining whether disciplinary action is appropriate.

Each employee is required to inform their supervisor as soon as possible after consuming any drug which could interfere with the safe and efficient performance of the employee's duties (NRS 284.4063).

Any employee who is convicted of violating a federal or state law prohibiting the sale of a controlled substance must be terminated as required by NRS 193.105, regardless of where the incident occurred.

Any employee who is convicted of driving under the influence in violation of NRS 484.379 or of any other offense for which driving under the influence is an element of the offense is subject to discipline up to and including termination if the offense occurred

while he was driving a State vehicle or a privately owned vehicle on State business.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the work-place is prohibited. Any employee who is convicted of unlawfully giving or transfer-ring a controlled substance to another person or who is convicted of unlawfully manufacturing or using a controlled substance while on duty or on the premises of State/NSHE property will be subject to discipline up to and including dismissal.

The term, "controlled substance" means any drug defined as such under the regulations adopted pursuant to NRS 453.146. Many of these drugs have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "crack". They also include "legal drugs" which are not prescribed by a licensed physician.

Each employee is required to inform his or her employer in writing within five days after he or she is convicted for violation of any federal or state criminal drug statute when such violation occurred while on duty or on the employer's premises.

All of the NSHE health insurance plans include coverage for chemical dependency treatment programs. Coverage differs so please contact your health care provider to find out what benefits are specific to your plan.

The NSHE Employee Assistance Program (EAP) also provides help to Nevada System of Higher Education employees and their families with alcohol and/or drug problems. The EAP can be reached by calling 1-833-475-1995. This assistance is provided by off-campus resources and is completely confidential. Administrative leave may be granted for two visits to the EAP.

Faculty and Staff of these institutions may refer students for assistance through the appropriate Student Services office.

This policy is applicable to all employees. Specific federal guidelines, statutory provisions and regulations applicable to this policy are set down in the Drug Free Workplace Act and Chapter 284 of the Nevada Revised Statutes and Nevada Administrative Code.

## **Drug-Free Schools and Communities Act**

Western Nevada College has joined other colleges and universities across the nation in encouraging the elimination of alcohol and other drug abuse on our campus and in our community. The college believes that the unlawful possession or use of drugs, including alcohol, and the abuse of alcohol and any drug by students constitutes a grave threat to their physical and mental well-being, and significantly impedes the process of learning and personal development.

### **SUBSTANCE ABUSE POLICY**

The policy adopted by the college prohibits the use or possession of alcoholic beverages without authorization; use or possession of illegal and/or unauthorized drugs and drug paraphernalia; and providing alcoholic beverages to minors while on college property or at college-sponsored activities, and (2) being under the influence of a controlled substance, including alcohol, while on college property or at a college-sponsored activity and the exhibiting of offensive behavior while under the influence of alcohol or other controlled substances. The complete policy can be located on the WNC website at <https://www.wnc.edu/policy/1-10-1/>.

### **CAMPUS DISCIPLINARY SANCTIONS**

A student involved in violations of college standards of conduct related to alcohol and other drugs may be required to participate in a disciplinary intervention process which may include referral to educational programs and/or an individual needs assessment as a condition of continued association with the institution. Violations of the law or NSHE regulations may result in expulsion of students and/or termination of employment pursuant to the WNC Student Code of Conduct and the NSHE Code, and referral for criminal prosecution. Guests of the college will be subject to denial of permission to come onto a WNC campus, educational site or center, and for future use of its facilities. These violations are serious matters and can significantly impact education and employment.

### **LEGAL STANDARDS**

In addition to college student conduct standards, a student will be subjected to all local, state, and federal laws related to substance abuse or the possession/use of alcohol. The following state laws apply to any student conduct on or off campus. In

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

#### **NRS 202.020**

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

#### **NRS 202.040**

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

#### **NRS 202.055**

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

#### **NRS 205.460**

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

### **LEGAL SANCTIONS**

Legal action provides for sanctions ranging from the imposition of fines to incarceration. Legal sanctions are governed by the Nevada Revised Statutes (NRS) and applicable federal law. Such penalties result from the referral of an alcohol or other drug violation which comes to the attention of local law enforcement, and is referred to the District Attorney's Office. Legal action may take place concurrently with campus disciplinary action.

## **Sexual Assault, Domestic Violence, Dating Violence, and Stalking Defined & Procedures for Reporting Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Western Nevada College is a diverse community committed to creating and maintaining a safe campus where all persons who participate in college programs and activities can work and learn together in an atmosphere free of all forms of harassment, discrimination, or intimidation. Sexual harassment, sexual assault/sexual misconduct, domestic violence, dating violence, and stalking are violations of College Policy.

Western Nevada College will respond promptly to reports of sexual harassment, sexual assault/sexual misconduct, domestic violence, dating violence and stalking. The college will take appropriate action to prevent, correct, and when necessary, to discipline conduct that violates Nevada System of Higher Education (NSHE) policy.

### **Policy Against Unlawful Discrimination and Harassment; Complaint Procedure**

#### **Introduction**

This policy is largely based on federal and state anti-discrimination laws and is divided into four subsections. Except as otherwise provided, Subsections A through C do not apply to “sexual harassment” under Title IX of the Education Amendments of 1972 (Title IX), the requirements and procedures of which are stated in Subsection D. Subsection A states the Nevada System of Higher Education (NSHE) policy against unlawful discrimination and unlawful harassment that does not constitute Title IX “sexual harassment” under Subsection D, specifies training requirements, and defines “consent.” Subsection B describes the remedies and interim measures that are available in cases of unlawful discrimination and unlawful harassment that does not constitute “sexual harassment” under Title IX. Subsection C contains the complaint and investigation procedures for complaints of unlawful discrimination and harassment that does not constitute Title IX “sexual harassment” under Subsection D and, when appropriate, instances where the institution has notice of possible unlawful discrimination and/or harassment.

Subsection D sets forth NSHE’s sexual harassment policy under Title IX; defines “sexual harassment”; describes the remedies and supportive measures available in a sexual harassment case; and describes the requirements and procedures for a sexual harassment complaint, investigation, informal resolution, live hearing, and appeal. All of these procedures are in addition to disciplinary complaints brought against professional employees or students under Title 2, Chapter 6, Chapter 8 or Chapter 10 of the NSHE Code (or if applicable, institution student codes of conduct), or against classified employees under the Nevada Administrative Code Chapter 284 and/or Chapter 289 or Desert Research Institute Technologists under the Technologists Manual and/or any approved Collective Bargaining Agreement. However, information gathered as part of the complaint and/or investigation processes under this Section may be used in connection with disciplinary proceedings.

## **A. NSHE Policy Against Unlawful Discrimination and Harassment that Does Not Constitute Title IX Sexual Harassment**

### **1. Policy Applicability and Sanctions**

NSHE is committed to providing a place of work and learning free of discrimination on the basis of a person's age (40 or older), disability, whether actual or perceived by others (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion (protected classes). Discrimination on the basis of a protected class, including unlawful harassment, which is a form of discrimination, is illegal under federal and state law. Where unlawful discrimination is found to have occurred, NSHE will act to stop the unlawful discrimination, to prevent its recurrence, to remedy its effects, and to discipline those responsible.

No employee, student, or other member of the campus community, either in the workplace or in the academic environment, should be subject to unlawful discrimination.

It is expected that students, faculty and staff will treat one another and campus visitors with respect.

All students, faculty, staff, and other members of the campus community are subject to this policy. Students, faculty, or staff who violate this policy are subject to discipline up to and including termination and/or expulsion, in accordance with the NSHE Code (or in the case of students, any applicable student code of conduct) or, in the case of classified employees and law enforcement personnel, the Nevada Administrative Code and/or any collective bargaining agreement or, in the case of Desert Research Institute (DRI) technologists, the Technologists Manual. Other lesser sanctions may be imposed, depending on the circumstances. Complaints may also be filed against visitors, consultants, independent contractors, volunteers, service providers and outside vendors whose conduct violates this policy, with a possible sanction of limiting access to institution facilities and other measures to protect the campus community.

Any employee, student, or other member of the campus community may utilize any of the complaint processes set forth in this policy.

### **2. Distribution of Policy; Training on the Prevention of Unlawful Discrimination and Harassment; and Annual Policy Review**

#### **a. Distribution of Policy**

Annually, all employees shall be given a copy of this anti-discrimination policy, which may be provided electronically, and each institution shall maintain documentation that each employee received the anti-discrimination policy. New employees shall be given a copy of this policy at the time of hire and each institution's Human Resources Office shall maintain documentation that each new employee received the policy. Each institution shall provide this policy to its students at least annually and may do so electronically. Each institution shall include this policy and complaint procedure on its website and in its general catalog.

## b. Training on the Prevention of Unlawful Discrimination and Harassment

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Each institution shall provide ongoing training on the prevention of unlawful discrimination and harassment and shall designate a person(s) or office to be responsible for such training.

Institutions must provide new students and new employees primary prevention and awareness training that promotes awareness of rape, domestic violence, dating violence, sexual assault and stalking as defined in this policy. The training must address safe and positive options for bystander intervention to prevent harm, including how to intervene in risky situations; the recognition of abusive behavior; and how to avoid potential attacks. Within six (6) months after an employee is initially appointed to NSHE, the employee shall receive training regarding the prevention of unlawful discrimination and harassment, including primary prevention and awareness training. At least once every two years after the appointment, an employee shall receive training concerning the prevention of unlawful discrimination and harassment.

Incoming freshmen and transfer students within their first semester of enrollment shall receive training regarding the prevention of unlawful discrimination and harassment, including primary prevention and awareness training. See also Special Training with Regard to Sexual Violence in Subsection C below.

## c. Annual Policy Review

No later than the end of each academic calendar year, each institution's Title IX Coordinator shall review and provide to NSHE suggestions for changes to this policy. NSHE shall review and consider the suggested changes and propose policy revisions to the Board of Regents, as appropriate, at the last regular Board meeting of the fiscal year.

## 3. Discriminatory Acts

It is illegal to discriminate on the basis of age (40 or older), disability (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion in any aspect of employment or education, such as:

- Application, hiring, background checks, discipline, and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- job advertisements;
- recruitment;
- testing;
- grading;
- acceptance or participation in an academic program or school activity;
- use of employer's facilities;
- training programs;
- fringe benefits;
- pay, retirement plans, and disability accommodations or leave; or
- other terms and conditions of employment.

Determining what constitutes unlawful discrimination under this policy will be accomplished on a case- by-case basis and depends upon the specific facts and the context in which the conduct occurs. Some conduct may be inappropriate, unprofessional, and/or subject to disciplinary action, but would not fall within the scope of unlawful discrimination. The specific action taken, if any, in a particular instance depends on the nature and gravity of the conduct reported and may include anti-discrimination related disciplinary processes.

Discriminatory acts also include:

- discrimination on the basis of a person's age (40 or older), disability ( including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion;
- retaliation against an individual for reporting an incident or filing a charge of unlawful discrimination, including unlawful harassment; participating in an investigation, hearing, or other related administrative process; or opposing discriminatory acts;
- employment or education decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals of a certain age (40 or older), disability (including service-connected disabilities), gender (including pregnancy related condition), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race, color, or religion; and
- "harassment," which refers to unwelcome conduct that is based on a person's age (40 or older), disability (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion. Harassment becomes unlawful where: 1) enduring the offensive conduct becomes a condition of employment or educational pursuits, or 2) the conduct is severe, persistent, or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, offensive, or abusive. Examples of unwelcome conduct that, if severe, persistent, or pervasive could constitute harassment, include but are not limited to: slurs, jokes, graffiti, offensive or derogatory comments, or other verbal or physical conduct that is unwelcome.

This behavior is unacceptable in the workplace and the academic environment. Even one incident, if it is sufficiently serious, may constitute unlawful discrimination. One incident, however, does not necessarily constitute unlawful discrimination.

#### 4. Non-Title IX Sexual Harassment Defined

Outside of the Title IX context, unwelcome sexual advances, requests for sexual favors, and/or other visual, verbal or physical conduct of a sexual or gender bias nature constitute sexual harassment when:

- a. In the educational environment:
  - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic status ("quid pro quo"); or
  - ii. Conduct, viewed under an objective standard, is sufficiently severe, persistent or pervasive so as to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the institution ("hostile environment").

b. In the workplace environment:

- i. Submission to or rejection of the conduct is used as a basis for academic or employment decisions or evaluations, or permission to participate in an activity (“quid pro quo”); or
- ii. Conduct, viewed under an objective standard, is sufficiently severe, persistent or pervasive so as to create an intimidating, hostile or abusive work environment, which may or may not interfere with the employee’s job performance (“hostile environment”).

## 5. Non-Title IX Sexual Harassment Examples

### a. Sexual Harassment Examples Outside of the Title IX Context

Sexual harassment may take many forms – subtle and indirect, or blatant and overt. For example:

- It may occur between individuals of the opposite sex or of the same sex.
- It may occur between students, between peers and/or co-workers, or between individuals in an unequal power relationship (such as by a supervisor with regard to a supervised employee or an instructor regarding a current student).
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance.
- It may consist of repeated actions or may even arise from a single incident if sufficiently severe.
- It may also rise to the level of a criminal offense, such as battery or sexual violence.
- Sexual violence, which is a severe form of sexual harassment and refers to physical, sexual acts or attempted sexual acts perpetrated against a person’s will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion or similar acts in violation of state or federal law. A person may be incapable of giving consent due to the use of drugs or alcohol, age, an intellectual or other disability, or other factors, which demonstrate a lack of consent or inability to give consent.

Examples of unwelcome conduct of a sexual or gender related nature that may constitute sexual harassment may, but do not necessarily, include, and are not limited to:

- Rape, sexual assault, sexual battery, sexual coercion, dating violence, domestic violence, stalking, other sexual violence;
- Stealthing, including the intent to remove or damage a contraceptive device without the knowledge or consent of the other participant while engaging in a sexual act;
- Sexually explicit or gender related statements, comments, questions, jokes, innuendoes, anecdotes, or gestures;
- Other than customary handshakes, uninvited touching, patting, hugging, or purposeful brushing against a person’s body or other inappropriate touching of an individual’s body;
- Remarks of a sexual nature about a person’s clothing or body;
- Use of mail, text messages, social media, or other electronic or computer sources for nonconsensual dissemination of sexually oriented, sex-based communications;
- Sexual advances, whether or not they involve physical touching;
- Requests for sexual favors in exchange for actual or promised job or educational benefits, such as favorable reviews, salary increases, promotions, increased benefits, continued employment, grades, favorable assignments, letters of recommendation;
- Displaying sexually suggestive objects, pictures, magazines, cartoons, screen savers or electronic files;
- Inquiries, remarks, or discussions about an individual’s sexual experiences or activities and other written or oral references to sexual conduct;
- Indecent exposure.

This behavior is unacceptable in the workplace and the academic environment. Even one incident, if it is sufficiently serious, may constitute sexual harassment. One incident, however, does not necessarily constitute sexual harassment.

## 6. Sexual Assault, Dating Violence, Domestic Violence, Stalking, Coercion and Consent Defined

### a. Sexual Assault

“Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation’s Uniform Crime Reporting Program.

“Rape” means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

“Fondling” means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

“Incest” means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

“Statutory rape” means sexual intercourse with a person who is under the statutory age of consent (16 years old).

### b. Dating Violence

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purpose of complying with the requirements of this Section and 34 CFR 668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

### c. Domestic Violence

“Domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

### d. Stalking

“Stalking” means engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress.

### e. Coercion

“Coercion” means the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from doing through words, conduct or pressure by:

- the use of violence or threats of violence against a person or the person’s family or property;
- depriving or hindering a person in the use of any tool, implement or clothing;
- attempting to intimidate a person by threats or force;
- compelling another individual to initiate or continue sexual activity against an individual’s will; or
- threatening to “out” someone based on sexual orientation, gender, identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail.

## f. Consent

Conduct is unwelcomed if it is done in the absence of consent.

“Consent” means an affirmative, clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity.

- Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent.
- Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- The existence of a dating relationship or past sexual relations between the participants does not constitute consent to any other sexual act.
- Affirmative consent must be ongoing throughout the sexual activity and may be withdrawn at any time.

When consent is withdrawn or cannot be given, sexual activity must stop.

- Consent cannot be given when it is the result of any coercion, intimidation, force, deception, or threat of harm.
- Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary); inability to communicate due to a mental or physical condition; the lack of consciousness or being asleep; being involuntarily restrained; if any of the parties are under the age of 16; or if an individual otherwise cannot consent.
- The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.

## 7. Other Definitions:

- a. “Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- b. “Reporting Party” means any person who reports sexual harassment or conduct that could constitute sexual harassment, whether or not the person reporting is the person alleged to be the victim.
- c. “Respondent” means an individual who has been reported by the individual engaging in the conduct that could constitute sexual harassment.

## **B. Remedies and Interim Measures for Unlawful Discrimination and Unlawful Harassment that Does Not Constitute Sexual Harassment under Title IX**

It may be necessary or advisable to take actions (as determined by the institution) designed to minimize the chance that either party may either harass or retaliate against the other party and to provide support to the parties, as appropriate. The measures themselves must not amount to retaliation and shall not be deemed to be a sanction. Depending on the specific nature of the problem, interim measures and final remedies may include, but are not limited to:

### For Students:

- a. Issuing mutual no contact directives;
- b. Providing an escort to ensure safe movement between classes and activities;
- c. Not sharing classes or extracurricular activities;
- d. Moving to a different residence hall;
- e. Providing written information regarding institution and community services including but not limited to medical, counseling and academic support services, such as tutoring;
- f. Providing extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
- g. Restricting to online classes;
- h. Providing information regarding campus transportation options;

- i. Reviewing any disciplinary actions taken against the complainant or the respondent to see if there is a connection between the sexual misconduct and the misconduct that may have resulted in the complainant or the respondent being disciplined<sup>1</sup>;
- j. Requiring the parties to report any violations of these restrictions; and
- k. Taking a leave of absence.

For Employees:

- l. Provide an escort to ensure safe movement between work area and/or parking lots/other campus locations;
- m. Issuing mutual no contact directives;
- n. Placement on leave;
- o. Transfer to a different area/department or shift in order to eliminate or reduce further business/social contact;
- p. Providing information regarding campus transportation options;
- q. Instructions to stop the conduct;
- r. Providing information regarding institution and community services including medical, counseling and Employee Assistance Program;
- s. Reassignment of duties;
- t. Changing the supervisory authority; and
- u. Directing the parties to report any violations of these restrictions.

All institution administrators, academic and administrative faculty, and staff are responsible for carrying out the interim measures and final remedies.

Interim measures and final remedies may include restraining orders, or similar lawful orders issued by the institution, criminal, civil or tribal courts. Interim measures and final remedies will be confidential to the extent that such confidentiality will not impair the effectiveness of such measures or remedies.

Final remedies may also include review and revision of institution sexual misconduct policies, increased monitoring, supervision or security at locations where incidents have been reported; and increased and/or targeted education and prevention efforts.

Any interim measures or final remedies shall be monitored by the Title IX Coordinator throughout the entire process to assess whether the interim measures or final remedies meet the goals of preventing ongoing unlawful discrimination or harassment, protecting the safety of the parties, restoring access to the institution's education programs and activities, and preventing retaliatory conduct.

Notwithstanding a complainant's request for confidentiality under Subsection 6 of Subsection C, the institution may undertake interim measures.

## **C. Complaint and Investigation Procedure for Unlawful Discrimination and Unlawful Harassment that Does Not Constitute Sexual Harassment under Title IX**

### **Introduction**

This Section provides the complaint and investigation procedures for complaints of unlawful discrimination or unlawful harassment that does not constitute "sexual harassment" under Title IX (except that complaints against students may be referred to student disciplinary processes), including instances where the institution has notice of unlawful discrimination or harassment. The Chancellor (for the System Office) and each President shall designate no fewer than two administrators to receive complaints. The administrators designated to receive the complaints may include the following: (1) the Title IX Coordinator; (2) the Human Resources Officer; or (3) any other officer designated by the President. The President may also designate a primary investigating officer (primary officer) to investigate all complaints. The primary officer may be any of the individuals identified in this paragraph. All complaints, whether received by the Human Resources Officer or other designated officer, must immediately be forwarded to the Title IX Coordinator.

An individual filing a complaint of unlawful discrimination or harassment shall have the opportunity to select an independent advisor for assistance, support, and advice and shall be notified of this opportunity by the Title IX Coordinator or designee. It shall be the choice of the individual filing the complaint to utilize or not utilize an independent advisor and their responsibility to pay any associated fees. An independent advisor may be brought into the process at any time at the request of the complainant. An independent advisor may be any person who does not have a conflict of interest and who is not a witness in the matter.

An individual against whom a complaint of unlawful discrimination or harassment is filed shall have the opportunity to select an independent advisor for assistance, support, and advice and shall be notified of this opportunity by the Title IX Coordinator or designee. It shall be the choice of the individual against whom the complaint is filed to utilize or not utilize an independent advisor and their responsibility to pay any associated fees. An independent advisor may be brought into the process at any time at the request of the respondent. An independent advisor may be any person who does not have a conflict of interest and who is not a witness in the matter.

The individual filing a complaint of unlawful discrimination or harassment and the individual against whom a complaint is filed must be provided this policy which addresses interim measures and written notification of services available on campus and in the community.

If anyone in a supervisory, managerial, administrative or executive role or position, such as a supervisor, department chair, or director of a unit, receives a complaint of unlawful discrimination or harassment, or observes or becomes aware of conduct that may constitute unlawful discrimination or harassment, the person must immediately contact one of the individuals identified in this Section above to forward the complaint and/or provide information about the conduct, to discuss it and/or to report the action taken.

Complaints of unlawful discrimination or harassment should be filed as soon as possible with the supervisor, department chair, dean, or one of the administrators listed in this Section above and/or designated by the President (or the Chancellor for NSHE System Administration matters) to receive complaints of alleged unlawful discrimination or harassment.

### 1. Time Frames

Complaints of unlawful discrimination or harassment that does not constitute sexual harassment under Title IX must be filed within the time frames stated below.

Holidays and weekends should be included in all calculations. If, however, the deadline falls on a weekend or holiday, the complaint may be filed on the next business day and still considered timely. (Business days are non-weekend and non-holiday days in which NSHE administrative offices are open for business.)

Resources, to include actions commonly classified as “interim measures,” are available to eligible students and employees notwithstanding the issue of timeliness.

#### a. Employee Complaints

All employment complaints alleging unlawful discrimination or harassment (to include retaliation) must be received in the appropriate institutional office within 300 calendar days from the day the alleged act took place. If more than one act is alleged, the deadline will apply to each act independently, except in complaints of ongoing unlawful discrimination or harassment. Complaints of ongoing unlawful discrimination or harassment must be filed within 300 calendar days of the last alleged incident of unlawful harassment, although all alleged incidents of ongoing unlawful discrimination or harassment may be considered during the investigation, even if the earlier incidents are alleged to have occurred more than 300 calendar days earlier.

## b. Student Complaints

All student complaints alleging unlawful discrimination or harassment (to include retaliation) must be received in the institution's appropriate office within 180 calendar days from the day the alleged act took place. If more than one act is alleged, the deadline will apply to each event independently, except in complaints of ongoing unlawful discrimination or harassment. Complaints of ongoing unlawful discrimination or harassment must be filed within 180 calendar days of the last alleged incident of ongoing unlawful discrimination or harassment, although all alleged incidents of ongoing unlawful discrimination or harassment may be considered during the investigation, even if the earlier incidents are alleged to have occurred more than 180 calendar days earlier.

## c. Other/Campus Visitor/Non-employee

Complaints alleging unlawful discrimination or harassment (to include retaliation) asserted by individuals who are neither NSHE employees nor students alleging unlawful discrimination or harassment by a NSHE employee during the employee's work hours, or by a NSHE student on campus or at a NSHE-sponsored event, must be received in the institution's appropriate office within 180 calendar days from the day the alleged act took place. If more than one act is alleged, the deadline will apply to each act independently, except in complaints of ongoing unlawful discrimination or harassment. Complaints of ongoing unlawful discrimination or harassment must be filed within 180 calendar days of the last alleged incident of ongoing unlawful discrimination or harassment, although all alleged incidents of ongoing unlawful discrimination or harassment may be considered during the investigation, even if the earlier incidents are alleged to have occurred more than 180 calendar days earlier.

## 2. Complaint Procedures

### a. Employees

- i. An employee who believes that they have been subjected to unlawful discrimination or harassment by anyone is encouraged – but it is neither necessary nor required, particularly if it may be confrontational – to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. An employee is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the employee.
- ii. The employee may file an unlawful discrimination or harassment complaint with their immediate supervisor, who will in turn immediately contact one of the officials listed in the introduction to this Section above.
- iii. If the employee feels uncomfortable about discussing the incident with the immediate supervisor, the employee should feel free to bypass the supervisor and file a complaint with one of the other listed officials or with any other supervisor.
- iv. After receiving any employee's complaint of an incident of alleged unlawful discrimination or harassment, the supervisor will immediately contact any of the individuals listed in the Introduction to this Section above to forward the complaint, to discuss it and/or to report the action taken. The supervisor has a responsibility to act even if the individuals involved do not report the complaint to that supervisor.

### b. Students

- i. A student who believes that they have been subjected to unlawful discrimination or harassment by anyone is encouraged – but it is neither necessary nor required particularly if it may be confrontational – to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A student is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the student.
- ii. The student may file a complaint with their major department chair or director of an administrative unit, who will in turn immediately contact one of the officials listed in the Introduction of this Section above.

iii. If the student feels uncomfortable about discussing the incident with the department chair or director of an administrative unit, the student should feel free to bypass the person and file a complaint with one of the above officials in the Introduction to this Section or to any chair, dean, or director of an administrative unit who will in turn immediately contact one of the officials listed above in the Introduction to this Section to forward the complaint, to discuss it and/or to report the action taken. The chair, dean or director of an administrative unit has a responsibility to act even if the individuals involved do not report to that person.

### 3. Training, Investigation and Resolution

a. General Requirements. The Title IX Coordinator, executives, administrators designated to receive complaints, and appropriate management level(s) with decision-making authority shall have training or experience in handling unlawful discrimination and misconduct complaints, and in the operation of the NSHE and Nevada Administrative Code disciplinary procedures.

#### b. Special Training With Regard to Sexual Violence.

i. The training for each of the individuals identified in paragraph 3.a above, should include annual training on how to investigate and conduct hearings in a manner that protects the safety of the parties and promotes accountability; information on working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including stalking and same-sex sexual violence; the proper standard of review for sexual violence complaints (preponderance of the evidence); information on risk reduction; information on consent and the role drugs or alcohol can play in the ability to consent; the importance of accountability for individuals found to have committed sexual violence; the need for remedial actions for the respondent, complainant, and institution community; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to conduct investigations; confidentiality; the effects of trauma, including neurobiological change; and cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.

ii. The Director or designee for an institution's campus law enforcement shall ensure annual training, reviewed by the Title IX Coordinator, is provided to its officers that includes: working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including stalking and same-sex sexual violence; information on consent and the role drugs or alcohol can play in the ability to consent; the effects of trauma, including neurobiological change; and cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.

iii. Investigation. After receiving a complaint or information about the incident or behavior, the Title IX Coordinator or the primary officer, or designee, will initiate an investigation to gather information about the incident. If the Title IX Coordinator or primary officer, or designee, is unable to initiate an investigation, due to a conflict or for any other reason, the President shall designate another individual to act as primary officer for the matter. Each institution may set guidelines for the manner in which an investigation shall be conducted. The guidelines shall provide for the prompt, thorough, impartial, and equitable investigation and resolution of complaints, and shall identify the appropriate management level with final decision-making authority. The guidelines shall, at a minimum, provide the person subject to the complaint with information as to the nature of the complaint, and shall further provide that the person filing the complaint and the person who is the subject of the complaint have equal rights to be interviewed, identify witnesses and provide documentation pertaining to the complaint. In most cases, an investigation should be completed within a reasonable time from receipt of the complaint or information about the conduct. At the completion of the investigation, findings and a recommendation will be made to the appropriate management level with final decision-making authority regarding the resolution of the matter. The recommendation is advisory only.

iv. Standard of Review. The standard for evaluating complaints shall be a preponderance of the evidence (i.e., the evidence establishes that it is more likely than not that the prohibited conduct occurred).

v. Management Determination. After the recommendation has been made, a determination will be made by appropriate management level with final decision-making authority regarding the resolution of the matter. If warranted, disciplinary action up to and including involuntary termination or expulsion may be taken. Any such disciplinary action shall be taken, as applicable, in accordance with NSHE Code Chapter 6, Chapter 8 or Chapter 10 (or applicable Student Code of Conduct), or, in the case of classified employees or law enforcement personnel, Nevada Administrative Code (NAC) Chapter 284 or Chapter 289, and/or associated collective bargaining agreement, or in the case of DRI technologists, the Technologists Manual. Other appropriate actions will be taken to correct problems and remedy effects, if any, caused by the conduct, if appropriate. If proceedings are initiated under Title 2, Chapter 6, Chapter 8 or Chapter 10, the applicable Student Code of Conduct, the NAC Chapter 284 or Chapter 289 and/or associated collective bargaining agreement, or Technologists Manual, the investigation conducted pursuant to this policy may be used as part of such investigations. The administrative officer, in their discretion, may also supplement the investigation with additional investigation. In any disciplinary hearings conducted pursuant to a Student Code of Conduct or under Title 2, Chapter 6, Chapter 8, Chapter 10, the NAC Chapter 284 or Chapter 289 and/or associated collective bargaining agreement, or Technologists Manual, the standard of evidence shall be by a preponderance of the evidence (i.e., the evidence establishes that it is more likely than not that the prohibited conduct occurred).

In connection with any such disciplinary hearings, the person filing the complaint and the person who is the subject of the complaint have equal rights to be interviewed, identify witnesses, and provide and receive documentation and witness lists pertaining to the complaint.

vi. Parties to be Informed. Within 14 business days after the appropriate management level with final decision-making authority has made a determination regarding the resolution of the matter, and depending on the circumstances, both parties may be informed concurrently of the resolution (see subparagraph i below). Confidentiality of Actions Taken. In the event actions are taken against an individual under NSHE Code Title 2, Chapter 6, Chapter 8 or Chapter 10 (or applicable Student Code of Conduct) or NAC Chapter 284 or Chapter 289 and/or associated collective bargaining agreement, or the Technologists Manual, such matters generally remain confidential under those Sections, except that final decisions following hearings or appeals of professional employees and State of Nevada personnel hearings involving classified employees are public records. Student matters generally remain confidential under the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 34 CFR Part 99 (FERPA).

vii. Crime of Violence Exception to the Family Educational Rights and Privacy Act (FERPA). When discriminatory conduct or sexual harassment involves a crime of violence or a non-forcible sexual offense, FERPA permits the institution to disclose to the complainant the final results (limited to the name of the respondent, any violation found to have been committed, and any sanction imposed) of a disciplinary proceeding against the respondent, regardless of whether the institution concluded that a violation was committed. With respect to an institutional disciplinary proceeding alleging sexual violence, domestic violence, dating violence or stalking offense, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092 (f). 34 CFR 668.46 (Clery Act) requires that the accuser and the accused must be simultaneously informed of the outcome.

viii. Disclosure of Sanction Imposed. In the event a student is found to have engaged in sexual harassment of another student, the institution shall disclose to the student who was harassed, information about the sanction imposed on the student who was found to have engaged in harassment when the sanction directly relates to the harassed student.

c. Resignation of Employee or Withdrawal of Student. If a student respondent withdraws from the institution or an employee respondent ends employment (e.g., resigns, retires) while an investigation of a complaint involving unlawful discrimination or harassment is pending under this policy, the Title IX Coordinator shall take appropriate action, which may include completing the investigation to the extent reasonably practicable, in order to prevent the reoccurrence of and to remedy the effects of the alleged misconduct.

d. Title IX Coordinator Monitoring. The institution Title IX Coordinator has primary responsibility for coordinating the institution's efforts to comply with and carry out its responsibilities under this Subsection. The Title IX Coordinator is responsible for monitoring all aspects of the investigation and any interim measures or final remedies to help ensure that:

1. the process is fair and equitable to both the complainant and the respondent;
2. the applicable policies and procedures of NSHE and of the institution are followed; and
3. the interim measures and final remedies are followed.

#### 4. Prompt Attention

Complaints of unlawful discrimination or harassment are taken seriously and will be dealt with promptly, thoroughly, impartially, and equitably. Where unlawful discrimination or harassment is found to have occurred, the NSHE institution or unit where it occurred will act to stop the unlawful discrimination or harassment, to prevent its recurrence, to remedy its effects, if any, and to discipline those responsible.

#### 5. Confidentiality

The NSHE recognizes that confidentiality is important. However, in some limited circumstances confidentiality cannot be guaranteed. The administrators, faculty or staff responsible for implementing this policy will respect the privacy of individuals reporting or accused of unlawful discrimination or harassment to the extent reasonably possible and will maintain confidentiality to the extent possible. Examples of situations where confidentiality cannot be maintained include, but are not limited to, necessary disclosures during an investigation, circumstances where the NSHE is required by law to disclose information (such as in response to legal process), or when an individual is in harm's way.

a. Confidentiality in Complaints Involving Unlawful Discrimination or Harassment. In complaints involving unlawful discrimination or harassment the following applies:

i. Varying Confidentiality Obligations. In situations involving unlawful discrimination or harassment, individuals are encouraged to talk to somebody about what happened in order for them to receive the support they need. Different individuals at the institution have different abilities to maintain an individual's confidentiality:

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- Other employees may talk to an individual in confidence, and generally only report to the institution that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger investigation into an incident against the individual's wishes, except in certain circumstances discussed below.
- Some employees are required to report all the details of an incident (including the identities of all involved) to the Title IX Coordinator. A report to these employees (called "officials with authority") constitutes a report to the institution – and generally obligates the institution to investigate the incident and take appropriate steps to address the situation. This policy is intended to make employees, students and others aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn should they want to report an act of sexual violence. The institution encourages individuals to talk to someone identified in one or more of these groups.

ii. Privileged and Confidential Communications. A complainant or respondent may wish to consult with professional counselors, pastoral counselors or others. Certain professionals are not required to report incidents unless they have been granted permission:

- Professional Counselors. Professional, licensed counselors who provide mental-health counseling to members of the institution community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a complainant's permission.
- Pastoral Counselors. A complainant and/or a respondent may choose to consult with a non-institution pastoral counselor and is encouraged to discuss confidentiality with that individual.
- Under Nevada law other professionals who may maintain confidentiality include lawyers, psychologists, doctors, social workers, and victim's advocates as defined in NRS 49.2545.
- Off-Campus Counselors and Advocates. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and will not share information with the institution unless the individual requests the disclosure and signs a consent or waiver form.

iii. Complainant Options. A complainant who reports an act of unlawful discrimination or harassment only to a professional listed above in Subsection 2 of Subsection a of Subsection 5 must understand that, if they want to maintain confidentiality, the institution will be unable to conduct a full investigation into the incident and will likely be unable to pursue disciplinary action against the respondent.

A complainant who at first requests confidentiality may later decide to file a complaint with the institution or report the incident to local law enforcement, and thus have the incident fully investigated. A complainant shall be assisted in reporting the incident to local law enforcement if the complainant requests such assistance.

Other Reporting Obligations: While professional counselors may maintain a complainant's confidentiality vis-à-vis the institution, they may have reporting or other obligations under state law. For example, there may be an obligation to report child abuse, an immediate threat of harm to self or others, or to report in the case of hospitalization for mental illness.

NSHE Employee Assistance Program providers would follow these guidelines, as would professionals in NSHE institution student counseling and psychological services areas, and professionals in community health clinics that reside on or are associated with NSHE institutions.

## b. Reporting to "Officials with Authority"

i. "Officials with Authority" Defined and Duties. An official with authority" is the institution's Title IX Coordinator or any official of the institution who has authority to institute corrective measures on behalf of the institution, including the President, Vice Presidents, Provost, Vice Provosts, Human Resources Director, and those designated by the President. When a complainant or other person reports an incident of unlawful discrimination or harassment to an official with authority, they have the right to expect the institution to take prompt and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

An official with authority must report to the Title IX Coordinator all relevant details about the alleged unlawful discrimination or harassment shared by the reporting individual and that the institution will need to determine what happened – including the name(s) of the complainant, respondent(s) and any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to an official with authority will be shared only with people responsible for handling the institution's response to the report. An official with authority should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement.

ii. Requesting Confidentiality From the Institution: How the Institution Will Weigh the Request and Respond.

a. Request for Confidentiality. If a complainant discloses an incident to an official with authority but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the institution will weigh that request against the institution's obligation to provide a safe, non-discriminatory environment for everyone, including the complainant, after the official with authority reports the incident to the Title IX Coordinator. If the institution honors the request for confidentiality, a complainant will be informed that the institution's ability to investigate the incident and pursue disciplinary action against the respondent may be limited.

There are times when, in order to provide a safe, non-discriminatory environment for all, the institution may not be able to honor a complainant's request for confidentiality. The institution shall designate an individual to evaluate requests for confidentiality made by a complainant.

b. Factors to Be Considered. When weighing a complainant's request for confidentiality or a complainant's request that no investigation or discipline be pursued, the institution will consider a range of factors, including the following:

i) The increased risk that the identified respondent will commit additional acts of violence, discrimination or harassment, such as:

- whether there have been other misconduct, violence, discrimination or harassment complaints about the same respondent;
- whether the respondent has a history of arrests or other records indicating a history of violence, discrimination or harassment;
- whether the respondent threatened violence, discrimination or harassment against the complainant or others;
- whether the violence, discrimination or harassment was committed by multiple persons;
- whether the circumstances of the incident indicate that the behavior was planned by the respondent or others;
- whether the reported violence, discrimination or harassment was committed with a weapon;
- whether the complainant is a minor;
- whether the institution possesses other means to obtain relevant evidence of the reported violence, discrimination or harassment (e.g., security cameras or personnel, physical evidence);
- whether the complainant's information reveals a pattern of behavior (e.g., illicit use of drugs, alcohol, coercion, intimidation) at a given location or by a particular group;
- other factors determined by the institution that indicate the respondent may repeat the behavior or that others may be at risk.

Based on one or more of these factors, the institution may decide to investigate and, if appropriate, pursue disciplinary action even though the complainant requested confidentiality or requested that no investigation or disciplinary action be undertaken. If none of these factors is present, or if any or all of these factors are present to an insufficient degree, the institution will work to respect the complainant's request for confidentiality.

c. Actions After Decision to Disclose. If the institution decides that a complainant's confidentiality cannot be maintained, the institution will inform the complainant in writing or via email prior to starting an investigation and the institution will, to the extent possible, only share information with people responsible for handling the institution's response. The institution shall inform the respondent that the complainant asked the institution not to take investigative or disciplinary action against the respondent.

The institution will inform any individual involved in the matter that retaliation is prohibited and will take steps to protect such individual(s) from retaliation or harm. Retaliation will not be tolerated. The institution will also:

1. Determine whether interim measures should be implemented in accordance with Subsection B;
2. Inform any individual involved in the matter of the right to report a crime to the institution and/or local law enforcement and to have a criminal investigation proceed simultaneously; and
3. Provide any individual involved in the matter with assistance if they wish to report a crime.

The institution will not require any individual involved in the matter to participate in any investigation or disciplinary proceeding.

Because the institution is under a continuing obligation to address the issue of sexual violence institution-wide, reports of sexual violence (including non-identifying reports) will also prompt the institution to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ complainant surveys; and/or revisiting its policies and practices.

**Issuance of Timely Warning:** If the institution determines that any individual involved in the matter poses a serious and immediate threat to the institution community, police or security services may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the complainant.

d. **Reports to Other NSHE Institutions.** If an official with authority receives a complaint about unlawful discrimination or harassment that has occurred at another NSHE institution or to a student or employee of another NSHE institution, the official with authority shall report the information to the institution's Title IX Coordinator, who shall provide the information to the Title IX Coordinator at the other NSHE institution.

e. **Public Awareness Events – Not Notice to the Institution.** Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which individuals disclose incidents of unlawful discrimination or harassment, are not considered notice to the institution of unlawful discrimination or harassment for purposes of triggering the institution's obligation to investigate any particular incident(s). Such events may, however, inform the need for institution-wide education and prevention efforts, and the Institution will provide information about individuals' rights at these events.

f. **Disclosures in written assignments – Not Notice to the Institution.** If a student makes a disclosure of an incident of unlawful discrimination or harassment in a written assignment, such disclosure is not considered notice to the institution of unlawful discrimination or harassment for purposes of triggering the institution's obligation to investigate any particular incident(s).

## 6. Retaliation

Retaliation against an individual who in good faith complains of unlawful discrimination or harassment or provides information in an investigation about behavior that may violate this policy is against the law, will not be tolerated, and may be grounds for discipline. Retaliation in violation of this policy may result in discipline up to and including termination and/or expulsion. Any employee or student bringing an unlawful discrimination or harassment complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment and/or academic standing, nor discriminated against, terminated, or expelled because of the complaint. Intentionally providing false information is also grounds for discipline.

“Retaliation” may include, but is not limited to, such conduct as:

- the denial of adequate personnel to perform duties;
- frequent replacement of members of the staff;
- frequent and undesirable changes in the location of an office;
- the refusal to assign meaningful work;
- unwarranted disciplinary action;
- unfair work performance evaluations;
- a reduction in pay;
- the denial of a promotion;
- a dismissal;
- a transfer;
- frequent changes in working hours or workdays;
- an unfair grade;
- an unfavorable reference or reference letter;
- intentionally providing false information.

### a. Employees

1. An employee who believes that they have been subjected to retaliation may file a retaliation complaint with their immediate supervisor, who will in turn immediately contact the Title IX Coordinator.
2. If the employee feels uncomfortable about discussing the alleged retaliation with the immediate supervisor, the employee should feel free to bypass the supervisor and file a complaint with the Title IX Coordinator.
3. After receiving any employee’s complaint of an incident of alleged retaliation, the supervisor will immediately contact the Title IX Coordinator to discuss it and/or to report the action taken. The supervisor has a responsibility to act even if the individuals involved do not report to that supervisor.

### b. Students

1. A student who believes that they have been subjected to retaliation may file a retaliation complaint with their major department chair or director of an administrative unit, who will in turn immediately contact the Title IX Coordinator.
2. If the student feels uncomfortable about discussing the alleged retaliation with the department chair or director of an administrative unit, the student should feel free to bypass the person and file a complaint with the Title IX Coordinator.

## 7. False Reports

Because unlawful discrimination and harassment frequently involve interactions between persons that are not witnessed by others, reports of unlawful discrimination or harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting unlawful discrimination or harassment under this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action under the applicable institution and Board of Regents disciplinary procedures. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.

## 8. Supervisor Responsibilities

Every supervisor of employees has responsibility to take reasonable steps intended to prevent acts of unlawful discrimination or harassment, which include, but are not limited to:

- a. Monitoring the work and school environment for signs that unlawful discrimination or harassment may be occurring;
  - b. Refraining from participation in, or encouragement of actions that could be perceived as unlawful discrimination or harassment (verbal or otherwise);
  - c. Stopping any observed acts that may be considered unlawful discrimination or harassment, and taking appropriate steps to intervene, whether or not the involved individuals are within their line of supervision; and
  - d. Taking immediate action to minimize or eliminate the work and/or school contact between the involved individuals where there has been a complaint of unlawful discrimination or harassment, pending investigation.
- If a supervisor receives a complaint of unlawful discrimination or harassment, or observes or becomes aware of conduct that may constitute unlawful discrimination or harassment, the supervisor must immediately contact the Title IX Coordinator to provide the information about the conduct, to discuss it and/or to report the action taken.

Failure to take action to prevent the occurrence of or stop known unlawful discrimination or harassment may be grounds for disciplinary action.

## 9. Amnesty for Reports of Non-Title IX Discrimination and/or Harassment Under Certain Circumstances

NSHE encourages individuals to report incidents of sexual violence and sexual harassment without fear of negative consequences for other policy violations that occur at or around the same time period of the reported sexual violence or sexual harassment. To support such reporting, an NSHE institution may not subject an individual to a disciplinary proceeding or sanction for a violation of the NSHE Handbook, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct unless the NSHE institution determines, in its sole discretion, any report of an alleged incident of sexual misconduct was not made in good faith or the individual's violation of the NSHE Handbook, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct was egregious. Examples of egregious violations include, but are not limited to, being the one that initiated the sexual violence or sexual harassment, or through negligence, contributed to the sexual violence or sexual harassment, or other sexual misconduct, driving under the influence, manufacturing/distribution/delivery of illegal drugs, possessing with intent to manufacture/distribute/deliver illegal drugs, relationship violence, stalking, hazing, or other conduct that risked someone's health or safety. The NSHE institution determines, in its sole discretion, whether a report was not made in good faith and what conduct constitutes an egregious violation. An individual may be particularly afraid to report certain conduct when alcohol, drugs, or other intoxicants are involved. Except for egregious violations, this amnesty policy applies when alcohol, drugs, or other intoxicants are involved, including underage drinking. In circumstances where amnesty is determined to be applicable but there are concerns that an individual's repeat or severe misuse of alcohol or other substances will result in additional harm if unaddressed, the NSHE institution may impose educational and/or other appropriate sanctions to address such concerns.

This policy only provides amnesty from violations of NSHE Handbook, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct. It does not grant amnesty for criminal, civil or other legal consequences for violations of Federal, State or Local law. Civil and/or criminal investigations and other legal processes from governmental agencies outside of the NSHE institution may still proceed at the discretion of the outside governmental agency. Also, in some instances, University Police Services may be required by law to report an incident to local law enforcement agencies. For information regarding legal immunity from certain offenses related to drug or alcohol overdose or other medical emergency, please see NRS 453C.150.

#### 10. Relationship to Freedom of Expression

NSHE is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental rights and this policy is not intended to stifle teaching methods or freedom of expression. Unlawful discrimination or harassment, however, is neither legally protected expression nor the proper exercise of academic freedom; it compromises the integrity of institutions, the tradition of intellectual freedom and the trust placed in the institutions by their members.

#### **D. Sexual Harassment under Title IX**

NSHE and its member institutions do not discriminate on the basis of sex in their education programs and activities. Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1861(a), provides:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Title IX applies to every single aspect of education, including course offerings, counseling and counseling materials, financial assistance, student health and insurance benefits and/or other services, housing, marital and parental status of students, physical education and athletics, education programs and activities sponsored by the institution, and employment.

#### **IMPACT OF MODIFICATIONS OF THE FINAL RULE UNDER TITLE IX**

Should any portion of the Final Rule be stayed or held invalid by a court of law, or should the Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Section process be revoked in this manner, any conduct that would have been covered under the Title IX Section D process shall be investigated and adjudicated under the existing Non-Title IX Sections (A), (B), and (C) process.

#### 1. Designation of Coordinator, dissemination of policy, and adoption of complaint procedures

a. Each President of NSHE's eight (8) institutions and the Chancellor for NSHE's System Administration offices shall designate and authorize an individual to serve as the Title IX Coordinator for the institution who shall be tasked with coordinating the institution's efforts to comply with its responsibilities under this Section. The institution must notify applicants for admission or employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the institution, of the name or title, office address, electronic mail address, and telephone number of the individual designated as the Title IX Coordinator.

b. Each institution must prominently display the contact information for the Title IX Coordinator on its website, if any, and in each handbook, or catalog that it makes available to persons entitled to a notification under paragraph (a) of this Section. Each institution must notify persons entitled to a notification under paragraph (a) of this Section that the institution does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to the institution may be referred to the institution's Title IX Coordinator, to the Assistant Secretary of the Department of Education, or both.

c. Each institution must adopt and publish complaint procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited under this Section and a complaint process that complies with Subsection 5 for formal complaints as defined in Subsection 2. An institution must provide to persons entitled to a notification under paragraph (a) of this Section notice of the institution's complaint procedures and complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the institution will respond.

d. Each institution, in addition to other training specifically outlined in this Subsection D, must ensure that all individuals involved in responding to, investigation of, or the adjudication of any complaint based in sexual violence, have the Specialized training in regards to Sexual Violence outlined in Subsection C, 3(b.)

## 2. Definitions

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

b. "Respondent" means an individual who has been reported by the individual engaging in the conduct that could constitute sexual harassment.

c. "Reporting Party" means any person who reports sexual harassment or conduct that could constitute sexual harassment, whether or not the person reporting is the person alleged to be the victim.

d. "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

i. An employee of a NSHE institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;

ii. Unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or

iii. Sexual assault, as defined by the Clery Act, 34 C.F.R. § 668.46(a), as amended by the Violence Against Women Act of 1994, including but not limited to dating violence, domestic violence, and stalking.

For the purposes of this definition, "education program or activity" includes locations, events, or circumstances over which an institution exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by an institution, which may include but is not limited to recognized fraternity, sorority, or student organizations. This definition does not apply to persons outside the United States.

For the purposes of this definition, "sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting Program.

“Rape” means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

“Fondling” means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

“Incest” means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

“Statutory rape” means sexual intercourse with a person who is under the statutory age of consent (16 years old).

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“Domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

“Stalking” means engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress.

e. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation of sexual harassment.

f. “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

g. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to an institution’s Title IX Coordinator or any official of the institution who has authority to institute corrective measures on behalf of the institution, including the President, Vice Presidents, Provost, Vice Provosts, Human Resources Director, and those designated by the President.

Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the institution with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform an individual about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the institution.

h. “Institution” means any and all of NSHE’s eight (8) institutions, including the College of Southern Nevada; the Desert Research Institute; Great Basin College; Nevada State College; Truckee Meadows Community College; the University of Nevada, Las Vegas; the University of Nevada, Reno; and Western Nevada College, and NSHE’s System Administration offices.

i. “Consent” means an affirmative, clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity.

- Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent.
- Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- The existence of a dating relationship or past sexual relations between the participants does not constitute consent to any other sexual act.
- Affirmative consent must be ongoing throughout the sexual activity and may be withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.
- Consent cannot be given when it is the result of any coercion, intimidation, force, deception, or threat of harm.
- Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes: impairment due to drugs or alcohol (whether such use is voluntary or involuntary); inability to communicate due to a mental or physical condition; the lack of consciousness or being asleep; being involuntarily restrained; if any of the parties are under the age of 16; or if an individual otherwise cannot consent.
- The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.

### 3. Response to Sexual Harassment

An institution with actual knowledge of sexual harassment allegations in an education program or activity of the institution, as all defined in Subsection 2, against a person in the United States must respond promptly in a manner that is not deliberately indifferent. An institution is “deliberately indifferent” only if its response to sexual harassment allegations is clearly unreasonable in light of the known circumstances.

An institution’s response must treat complainants and respondents equitably by offering supportive measures as defined in Subsection f of Subsection 2 to all parties, and by following a complaint process that complies with Subsection 5 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in Subsection f of Subsection 2 against a respondent.

An institution shall provide this policy which addresses supportive measures to both complainants and respondents.

The institution’s Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as defined in Subsection f of Subsection 2, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. An institution’s treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Depending on the specific nature of the problem, supportive measures and remedies may include, but are not limited to:

For Students:

- a. Issuing a mutual no-contact directive(s);
- b. Providing an escort to ensure safe movement between classes and activities;
- c. Not sharing classes or extracurricular activities;
- d. Moving to a different residence hall;
- e. Providing written information regarding institution and community services including but not limited to medical, counseling and academic support services, such as tutoring;
- f. Providing extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
- g. Taking a leave of absence;
- h. Restricting to online classes;
- i. Providing information regarding campus transportation options;
- j. Reviewing any disciplinary actions taken against the complainant or the respondent to see if there is a connection between the sexual misconduct and the misconduct that may have resulted in the complainant or the respondent being disciplined; and
- k. Requiring the parties to report any violations of these restrictions.

For Employees:

- l. Providing an escort to ensure safe movement between work area and/or parking lots/other campus locations;
- m. Issuing a mutual no-contact directive(s);
- n. Placement on leave;
- o. Transfer to a different area/department or shift in order to eliminate or reduce further business/social contact;
- p. Providing information regarding campus transportation options;
- q. Instructions to stop the conduct;
- r. Providing information regarding institution and community services including medical, counseling and Employee Assistance Program;
- s. Reassignment of duties;
- t. Changing the supervisory authority; and
- u. Directing the parties to report any violations of these restrictions.

All institution administrators, academic and administrative faculty, and staff are responsible for carrying out the supportive measures and remedies.

Supportive measures and remedies may include restraining orders, or similar lawful orders issued by the institution, criminal, civil or tribal courts. Supportive measures and remedies will be confidential to the extent that such confidentiality will not impair the effectiveness of such measures or remedies.

Remedies may also include review and revision of institution sexual misconduct policies, increased monitoring, supervision or security at locations where incidents have been reported; and increased and/or targeted education and prevention efforts.

Any supportive measures or remedies shall be monitored by the Title IX Coordinator throughout the entire process to assess whether the supportive measures or remedies meet the goals of preventing harassment or discrimination, protecting the safety of the parties, restoring access to the institution's education programs and activities, and preventing retaliatory conduct.

In responding to allegations of sexual harassment, an institution shall not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

#### 4. Response to a Formal Complaint

- a. In response to a formal complaint, an institution must investigate the allegations contained therein and follow a complaint process that complies with Subsection 5. With or without a formal complaint, an institution must comply with Subsection 3.
- b. Nothing in this Subsection precludes an institution from removing a respondent from the institution's education program or activity on an emergency basis, provided that the institution undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
- c. Nothing in this Subsection precludes an institution from placing a non-student employee respondent on administrative leave during the pendency of a complaint process that complies with Subsection 5. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.
- d. An institution may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a complaint process involves more than one complainant or more than one respondent, references in this Section to the singular "party," "complainant," or "respondent" include the plural, as applicable.

#### 5. General complaint process requirements.

Institutions shall:

- a. Permit any person to report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator;
- b. Promote impartial investigations and adjudications of formal complaints of sexual harassment;
- c. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a complaint process that complies with this Section before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in Subsection f of Subsection 2 against a respondent. Remedies must be designed to restore or preserve equal access to the institution's education program or activity. Such remedies may include the same individualized services described in Subsection f of Subsection 2 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent;
- d. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;

- e. Ensure that the Title IX Coordinator, investigator, hearing officer, and any person designated by an institution to facilitate an informal resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- f. Ensure that the Title IX Coordinator, investigator, hearing officer, and any person designated by an institution to facilitate an informal resolution process receive training on the definition of sexual harassment in Subsection 2, the scope of the institution's education program or activity, how to conduct an investigation and complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- g. Ensure, in coordination with the NSHE Chief General Counsel, that hearing officers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in Subsection d of Subsection 8;
- h. Ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Subsection d of Subsection 8;
- i. Ensure that any materials used to train Title IX Coordinators, investigators, hearing officers, and any person who facilitates an informal resolution process, do not rely on sex stereotypes;
- j. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint process;
- k. Establish a reasonably prompt time frame for conclusion of the complaint process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the institution offers informal resolution processes, and a process that allows for the temporary delay of the complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The institution must establish a reasonably prompt time frame that complies with the procedures outlined in Chapter 284 of the Nevada Administrative Code for classified employees, Chapter 289 of the Nevada Administrative Code for law enforcement, Chapter 6 of the NSHE Code for professional employees, Chapter 10 of the NSHE Code or applicable code of conduct for students, or any associated collective bargaining agreement. Institutions may establish different time frames for different types of cases (e.g., sexual assault, domestic violence, dating violence, etc.);
- l. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the institution may implement following any determination of responsibility;
- m. State that the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard, and must apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and must apply the same standard of evidence to all formal complaints of sexual harassment. "Preponderance of the evidence" means the evidence establishes that it is more likely than not that the prohibited conduct occurred;
- n. Include the procedures and permissible bases for the complainant and respondent to appeal a written determination;
- o. Describe the range of supportive measures available to complainants and respondents;

p. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege; and

q. Require any party to assert that the Title IX Coordinator, investigator(s), or hearing officer(s) has a conflict of interest or bias against complainants or respondents generally or the individual complainant or respondent at the time the party knew or should have known of such conflict of interest or bias.

## 6. Complaint Procedures

a. Upon receipt of a formal complaint, an institution must provide the following written notice to the parties who are known:

i. Notice of the institution's complaint process that complies with this Section, including any informal resolution process; and

ii. Notice of the allegations potentially constituting sexual harassment as defined in Subsection 2, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.

"Sufficient details" include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under Subsection 2, and the date and location of the alleged incident, if known.

This written notice also must:

a) Include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process;

b) Inform the parties that they may have an advisor of their choice under Subsection d of Subsection 7 who may be, but is not required to be, an attorney, and may inspect and review evidence under Subsection 7; and

c) Consistent with Section 13, inform the parties of the prohibition against knowingly making false statements or knowingly submitting false information during the complaint process.

b. If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to Subsection a of Subsection 6, the institution must provide notice of the additional allegations to the parties whose identities are known.

## 7. Dismissal of formal complaint

a. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in Subsection 2 even if proved, did not occur in the institution's education program or activity, or did not occur against a person in the United States, then the institution must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action under another provision of the Board of Regents' Handbook, NSHE Code, or institution's code of conduct.

b. The institution may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

- i. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- ii. The respondent is no longer enrolled or employed by the institution; or
- iii. Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

c. Upon a dismissal required or permitted pursuant to Subsections i and ii of Subsection c of Subsection 6, the institution must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

#### 8. Investigation of a Formal Complaint.

The institution investigating a formal complaint must:

- a. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institution and not on the parties, provided that the institution cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the institution obtains that party's voluntary, written consent to do so for a complaint process under this Section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the institution must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);
- b. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- c. Avoid restricting the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- d. Provide the parties with the same opportunities to have others present during any complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or complaint proceeding. However, an institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to all parties;
- e. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- f. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation;

g. Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The institution must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

h. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to a hearing (if a hearing is required under this Section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Each party's written response, if any, shall be submitted to the investigator at least three (3) days prior to the live hearing.

## 9. Live Hearings

a. An institution must hold a live hearing over which a hearing officer presides. The hearing officer cannot be the same person as the Title IX Coordinator or the investigator(s) and must be selected in consultation with the NSHE Chief General Counsel.

b. At the live hearing, the hearing officer must permit each party's advisor during cross-examination to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the institution under Subsection d of Subsection 7 to otherwise restrict the extent to which advisors may participate in the proceedings.

c. The live hearing may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the institution must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing officer(s) and parties to simultaneously see and hear the party or the witness answering questions.

d. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. For the purposes of this Section, "relevant" means a question or evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the question or evidence. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

e. If a party does not have an advisor present at the live hearing, the institution must provide, without fee or charge to that party, an advisor of the institution's choice, who shall not be an attorney, to conduct cross-examination on behalf of that party. Such advisors need not be provided with specialized training because the essential function of such an advisor provided by the institution is not to "represent" a party but rather to relay the party's cross-examination questions that the party wishes to have asked of other parties or witnesses so that parties never personally question or confront each other during a live hearing.

f. If a party or witness does not submit to cross-examination at the live hearing, to the extent permitted by law and not otherwise subject to exclusion under this policy, the hearing officer may consider those statements of a person who was not present at the hearing, or a person who was present at the hearing but who was not subject to cross examination if the statement is deemed reliable and relevant by the hearing officer. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, emails, social media postings, and the like.

The hearing officer(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

g. Institutions must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

h. Nothing in this Subsection shall be construed to impair rights under the U.S. Constitution, including but not limited to the Fifth Amendment, or privileges recognized by statute or common law.

#### 10. Determination Regarding Responsibility.

a. The decision-maker, or hearing officer(s) as appropriate, must issue a written determination regarding responsibility under the preponderance of the evidence standard within 14 calendar days of the live hearing.

b. The written determination must include:

- i. Identification of the allegations potentially constituting sexual harassment as defined in Subsection 2;
- ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of the institution's code of conduct to the facts;
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the institution imposes on the respondent, and whether remedies designed to restore or preserve equal access to the institution's education program or activity will be provided by the institution to the complainant; and
- vi. The institution's procedures and permissible bases for the complainant and respondent to appeal.

c. The institution must provide the written determination regarding responsibility to the parties simultaneously. The written determination becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## 11. Appeals

- a. Within seven (7) calendar days, any party may appeal from a determination regarding responsibility, and from an institution's dismissal of a formal complaint or any allegations therein, on the following bases:
- i. Procedural irregularity that affected the outcome of the matter;
  - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
  - iii. The Title IX Coordinator, investigator(s), or hearing officer(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and
  - iv. Any additional basis offered by an institution.
- b. As to all appeals, the institution must:
- i. Immediately notify the other party in writing when an appeal is filed;
  - ii. Ensure that the decision-maker for the appeal is not the same person as the hearing officer(s) or decision-maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
  - iii. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in Subsections e-i of Subsection 5;
  - iv. Give all parties an equal opportunity to submit a written statement in support of, or challenging, the outcome within seven (7) calendar days of the outcome;
  - v. Issue a written decision within ten (10) calendar days of receiving a written statement in support of, or challenging, the outcome describing the result of the appeal and the rationale for the result; and
  - vi. Provide the written decision simultaneously to all parties.
- c. The review on appeal is limited to the record, except in appeals based on newly discovered evidence that could affect the outcome of the matter and that was not reasonably available at the time the determination regarding responsibility or dismissal was made. In such appeals, newly discovered evidence may be considered on appeal notwithstanding its absence from the record.

## 12. Provides Informal Resolution

- a. If a formal complaint of sexual harassment is filed, and at any time prior to reaching a determination regarding responsibility, an institution may offer the parties the option of informal resolution and may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the institution:
- i. Provides to the parties a written notice disclosing the allegations; setting forth the requirements of the informal resolution process, including the circumstances under which the process's agreed upon resolution precludes the parties from resuming a formal complaint arising from the same allegations; and explaining that any statements made or documentation or information provided by a party during the informal resolution process shall not be used or relied upon in a subsequent complaint process or live hearing without the permission of the party who made the statement or provided the documentation or information;
  - ii. Obtains the parties' voluntary, informed written consent to the informal resolution process; and
  - iii. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

- b. Institutions must provide the parties with a written notice explaining that, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the complaint process with respect to the formal complaint, and withdraw from any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- c. An institution shall not require the parties to participate in an informal resolution process for any reason, and shall not require waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this Section as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.
- d. An individual serving as a facilitator of an informal resolution process shall not be the Title IX Coordinator, Title IX investigator, Title IX hearing officer, witness, or other institutional employee that has a duty to disclose allegations of sexual harassment to the institution.

### 13. Recordkeeping

- a. An institution must maintain for a period of at least seven (7) years records of:
  - i. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under Subsection g of Subsection 8, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the institution's education program or activity;
  - ii. Any appeal and the result therefrom;
  - iii. Any informal resolution and the result therefrom; and
  - iv. All materials used to train Title IX Coordinators, investigators, hearing officers, decision-makers, and any person who facilitates an informal resolution process. An institution must make these training materials publicly available on its website, or if the institution does not maintain a website the institution must make these materials available upon request for inspection by members of the public;
  - v. For each response required under Subsections 3 and 4, an institution must create, and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the institution must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the institution's education program or activity. If an institution does not provide a party with supportive measures, then the institution must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the institution in the future from providing additional explanations or detailing additional measures taken.

### 14. False Reports

Because discrimination and sexual harassment frequently involve interactions between persons that are not witnessed by others, reports of discrimination or sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting discrimination or sexual harassment under this policy. However, individuals who knowingly make false reports or submit false information during the complaint process may be subject to disciplinary action under the applicable institution and Board of Regents disciplinary procedures. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.

## 15. Retaliation

a. **Retaliation Prohibited.** No institution or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation. The institution must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to have engaged in sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the complaint procedures for sex discrimination under Subsection C.

### b. Specific circumstances

- i. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under Subsection a of this Subsection.
- ii. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a complaint proceeding under this part does not constitute retaliation prohibited under Subsection a of this Subsection, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## 16. Amnesty for Reports of Title IX Discrimination and/or Harassment Under Certain Circumstances

NSHE encourages individuals to report incidents of sexual violence and sexual harassment without fear of negative consequences for other policy violations that occur at or around the same time period of the reported sexual violence or sexual harassment. To support such reporting, an NSHE institution may not subject an individual to a disciplinary proceeding or sanction for a violation of the NSHE Handbook, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct unless the NSHE institution determines, in its sole discretion, any report of an alleged incident of sexual misconduct was not made in good faith or the individual's violation of the NSHE Handbook, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct was egregious. Examples of egregious violations include, but are not limited to, being the one that initiated the sexual violence or sexual harassment, or through negligence, contributed to the sexual violence or sexual harassment, or other sexual misconduct, driving under the influence, manufacturing/distribution/delivery of illegal drugs, possessing with intent to manufacture/distribute/deliver illegal drugs, relationship violence, stalking, hazing, or other conduct that risked someone's health or safety. The NSHE institution determines, in its sole discretion, whether a report was not made in good faith and what conduct constitutes an egregious violation.

An individual may be particularly afraid to report certain conduct when alcohol, drugs, or other intoxicants are involved. Except for egregious violations, this amnesty policy applies when alcohol, drugs, or other intoxicants are involved, including underage drinking.

In circumstances where amnesty is determined to be applicable but there are concerns that an individual's repeat or severe misuse of alcohol or other substances will result in additional harm if unaddressed, the NSHE institution may impose educational and/or other appropriate sanctions to address such concerns.

This policy only provides amnesty from violations of NSHE Handbook, the NSHE institutional policy and/or the NSHE institution's applicable Student Code of Conduct. It does not grant amnesty for criminal, civil or other legal consequences for violations of Federal, State or Local law. Civil and/or criminal investigations and other legal processes from governmental agencies outside of the NSHE institution may still proceed at the discretion of the outside governmental agency. Also, in some instances, University Police Services may be required by law to report an incident to local law enforcement agencies. For information regarding legal immunity from certain offenses related to drug or alcohol overdose or other medical emergency, please see NRS 453C.150.

#### 17. Relationship to Freedom of Expression

NSHE is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental rights and this policy is not intended to stifle teaching methods or freedom of expression. Unlawful discrimination or harassment, however, is neither legally protected expression nor the proper exercise of academic freedom; it compromises the integrity of institutions, the tradition of intellectual freedom and the trust placed in the institutions by their members.

## **Persons of Organizations that can assist victims**

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

- Victor H. Navarro, Title IX Coordinator at [title9@wnc.edu](mailto:title9@wnc.edu)
- WNC Chief HR Officer & Chief of Staff at (775) 445-4237
- WNC President at (775) 445-4236
- Vice President of Academic & Student Affairs at (775) 445-4431
- Student Life Coordinator at (775) 445-3241
- To notify and report the crime off-campus, contact the Carson City Sheriff's Office at (775) 887-2500 or the appropriate jurisdiction, or 9-1-1.
- University Police Services at (775) 445-3308 or file an online report at [www.unr.edu/police](http://www.unr.edu/police), and
- In the case of an emergency, dial 9-1-1.

## **Options about the Involvement of Law Enforcement**

You have options to report to, or decline to report to, the college and local law enforcement. Although the college strongly encourages prompt reporting of domestic violence, dating violence, sexual assault, or stalking individuals have the option of reporting to:

- a. Local law enforcement,
- b. The college, including University Police Services,
- c. Both a & b,
- d. None of the above.

This means that individuals have the right to decline to notify the college or law enforcement officials.

Individuals have the right to notify local law enforcement of crimes. If an individual wants to notify local law enforcement, the college will upon request, help that individual make a report to local law enforcement. A report to local law enforcement is separate from a report to the college.

To report directly to the Carson City Sheriff's Office call (775) 887-2500 . For assistance in contacting the Carson City Sheriff's Office, contact University Police Services at (775) 445-3308.

### **Process of Making a Police Report:**

Depending on the circumstances of an incident, University Police Services may meet you at the hospital, on campus, or at the police station. An officer will document the case with a written report. It is very important for an individual to provide the most comprehensive, accurate details of the crime to the officer. Sometimes a person may have distorted memories of the event; it is okay for a person to say “I don’t remember” or “I’m not sure,” without any penalty. A police interview can take a few hours, depending on the circumstances of the case. Questions often include the timeline events, what (if anything) was said, whether there was additional physical assault or injury, if weapons were used, and any descriptive features that were noticed about the perpetrator. It is likely the officer may go over the events of an assault repeatedly when writing the report. This is intended to gather as many details as possible to make the strongest case. Information gathered is then given to a detective who will review the information. All individuals have the right to stop a report at any time, not complete the report, or request a break.

### **Contact information:**

An individual who wishes to pursue criminal action in addition to, or instead of, making a report to the college for domestic violence, dating violence, sexual assault, or stalking may contact law enforcement directly by calling 911 (for emergencies) or (775) 445-3308 to reach University Police Services, or in person at any University Police Services location.

### **Availability of Protective Orders**

In some cases, an individual may wish to consider a Protection from Abuse Order from the local courts. This is a civil proceeding independent of the college. If a court order is issued the college will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will also facilitate on-campus compliance order.

### **Efforts to Protect Confidentiality of Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

The college will attempt to protect the confidentiality of victims of domestic violence, dating violence, sexual assault, or stalking. In completing any publicly-available record keeping, including Clery Act reporting and disclosures, such as the daily crime log, the college takes all efforts to avoid the inclusion of personally identifying information about the victim, to the extent possible by law.

### **Written information made available to victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

Written notification is made to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims both on-campus and in the community. Written notification is made to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available.

The institution is obligated to honor this request, if the accommodation is reasonable available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Any student or employee who reports to WNC that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employees rights and options.

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

WNC is committed to creating and maintaining an educational environment free from all forms of sexual discrimination, including sexual misconduct. Any act involving sexual harassment, violence, coercion, and intimidation will not be tolerated. WNC prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. It is the practice of WNC Title IX and Office of Compliance to investigate any allegations of sexual misconduct and to take immediate action by providing interim resources and accommodations to both the accused and the accuser.

### **SANCTIONS FOR STUDENTS:**

#### **RESTRICTIONS, LOSS OF PRIVILEGES, AND EXCLUSION FROM ACTIVITIES.**

Exclusion/restriction from participation in privileges, extracurricular activities, holding office, or represent the college. Loss of use privileges for designated College facilities, denial of the use of a vehicle on campus, and/or other restrictions consistent with the violation committed.

**CONDUCT PROBATION.** The terms of probation will be determined at the time the probation is imposed. Probation may include exclusion from participation in privileges or extracurricular activities. The student/student organization placed on probation shall be notified in writing that the commission of prohibited acts will lead to additional and/or increased conduct sanctions.

#### **DISCIPLINARY CONDUCT SUSPENSION.**

This is the temporary separation of the student from the college for a specified period of time and/or until specific conditions, if imposed, have been met. A disciplinary suspended student shall not participate in any college-sponsored activity and shall be barred from all college campuses and properties. The student will be notified in writing of the suspension. The official transcript of the student shall be marked "Not In Good Standing". The parent(s) or legal guardian(s) of students under the age of eighteen (18) years shall be notified of the action. After the suspension period has elapsed, the student will be placed on conduct probation for a period of time that is equal to the amount of time that the student was suspended. At the end of the probationary period, the student will be classified as being in "good standing" provided that no further Code violations have occurred.

#### **EXPULSION OR TERMINATION.**

Permanent separation of the student from the college. The expelled student shall not participate in any college-sponsored activity and shall be barred from all NSHE campuses and properties. The official transcript of the student shall be marked "Conduct Expulsion Effective (date)." The parent(s) or legal guardian(s) of a student under the age of eighteen (18) years shall be notified of the action.

#### **REQUIRED EDUCATIONAL/RESTITUTION ACTIVITIES.**

Mandatory participation in educational activities or programs of community restitution service on campus or in the community, as approved.

## **ADMINISTRATIVE CONDUCT**

Hold status documented in the Registrar's official file that precludes the student from registering for classes and/ or accessing official transcripts until clearance from the Vice President for Student and Academic Affairs.

## **INTAKE/ASSESSMENT/TREATMENT REFERRALS.**

A student may be referred to a community mental health provider to complete an intake and assessment involving alcohol, controlled substance, or other identified issues arising from a violation. In the college's discretion, proof of participation or completion of treatment may be required. When appropriate, a student may be referred to an off-campus provider for such services at the student's expense.

## **Range of Protective Measures Available**

These measures may include, but are not limited to:

the implementation of a WNC-issued no-contact order,

academic accommodations,

transportation accommodations,

employment accommodations,

safety consultations with Western Nevada College Security Office,

personal protection devices,

on-campus escorts,

## **SANCTIONS FOR EMPLOYEES:**

### Nevada Administrative Code

NAC 284.480 Letters of Instruction

NAC 284.638 Warnings and written reprimands

NAC 284.642 Suspension and Demotion

NAC 284.646 Dismissal

### NSHE Board of Regents Handbook

Warning

Reprimand

Restitution

Reduction in Pay

Suspension

Termination

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

## Title IX Information

If you believe you have been subjected to sex or gender-based discrimination and/or unwelcome sexual advances, sexual coercion, requests for sexual favors, and/or sexually motivated physical, verbal, or nonverbal conduct, other conduct of a sexual nature, or interpersonal violence, there are campus resources and services available to you. Western Nevada College will also implement interim measures to ensure the safety and well-being of those who have been subjected to this behavior. Please immediately contact:

Victor Navarro, Title IX Coordinator  
title9@wnc.edu

**If you have been sexually assaulted or someone has attempted to sexually assault you, immediately contact your local law enforcement by dialing 911.**

**Western Nevada College, strictly prohibits sexual harassment and discrimination.** Sexual harassment in educational institutions is a form of sex-based discrimination prohibited by Titles VII and IX. Sexual harassment involves conduct of a sexual nature that is unwelcome and offensive to both the recipient and a reasonable person. Sexual harassment can interfere with a student's academic performance, an employee's work performance and their emotional and physical well-being.

Students and staff at Western Nevada College have a right to an environment free of sexual harassment. Sexual harassment constitutes a serious threat to the free interaction and exchange necessary for educational and personal development. Sexual harassment is not only a clear violation of college policy, but it is a form of discrimination and is illegal. If an individual is the victim of sexual harassment, they should report it to the Title IX Coordinator at title9@wnc.edu.

## Sex Offender Registration

University Police Department - Northern Command (UPDNC) is in charge of registering sex offenders on campus. Individuals needing to register must make an appointment with UPDNC at 775-230-1952 or stop by the Public Safety Office located on the Carson City campus in Bristlecone Room 123.

Once registered the information will be kept with the UPDNC. Students, faculty, and staff wishing to know this information can contact UPDNC with any issues they have or they can contact the Carson City Sheriff's Office for information of registered sex offenders in the area.



## Off-Campus Counselors and Advocates

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the college unless the reporting student requests the disclosure and signs a consent or waiver form.

Following is contact information for these off-campus resources:

**Crisis Call Center: 775-754-8090**

24 hour statewide Help Hotline: (800) 992-5757 or [info@crisiscallcenter.org](mailto:info@crisiscallcenter.org)

**Advocates to End Domestic Violence- Carson City**  
775-883-7654

Rape Crisis Intervention-Sexual Assault Response Advocates  
Domestic Violence 24-Hour Hotline

**Family Support Council of Douglas County**  
775-782-8692

Peer Counseling and Crisis Intervention  
Womens Support Group  
24 hour Crisis Hotline

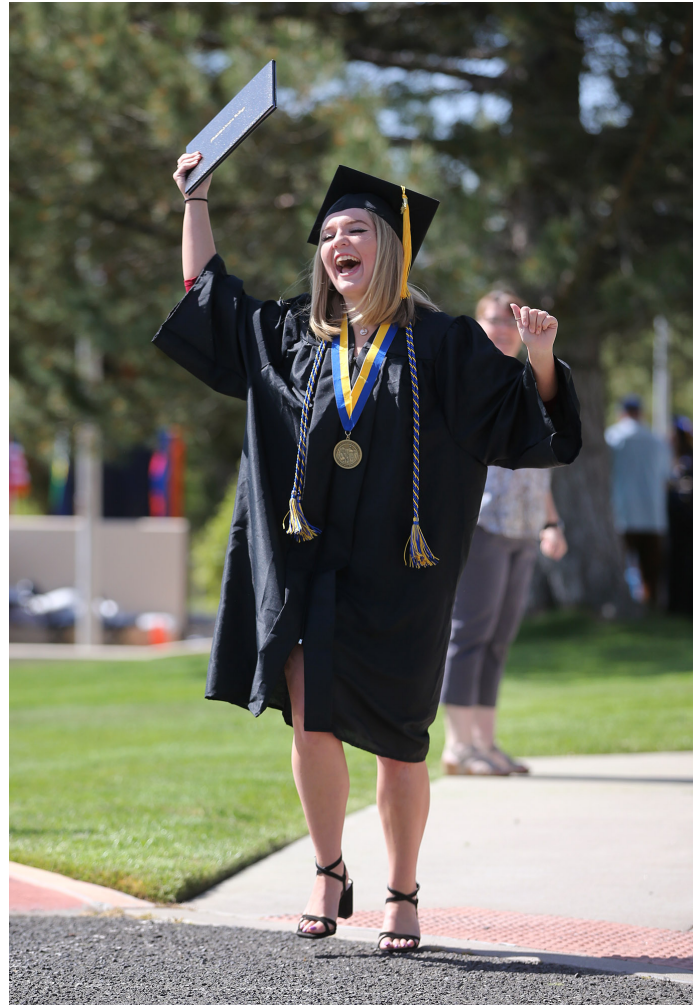
Sexual Assault Victim Support and Advocacy  
**Douglas County Social Services-775-782-9825**  
Victims of Sexual Assault

**Sexual Assault Victim's Advocacy and Support Group-**

775-427-1500  
Services for Victims of Sexual Assault Support  
**Sexual Assault Support Group-**  
775-423-1313  
Sexual Assault Survivor's Group

**NOTE:** While these off-campus counselors and advocates may maintain a reporting student's confidentiality with regard to the college, they may have reporting or other obligations under state law. For example, there may be an obligation to report child abuse, an immediate threat of harm to self or others, or to report in the case of hospitalization for mental illness; for the exceptions to confidentiality, see NRS 49.213, NRS 49.245, and NRS 432B.220 in Appendix 2.

If you have questions as to whether a specific incident should be reported, please contact the University Police Services at (775) 230-1952.



### On Campus Victim Advocate

At the Carson campus, an on-campus victim advocate is available.

Cell Phone: (775) 771-8724

After Hours: (775) 221-7600

Email: [CampusAdvocate@cssnv.org](mailto:CampusAdvocate@cssnv.org)

If you are in immediate crisis, please call or text 988.

## Western Nevada College Carson Campus Crime Statistics

| Offense                           | Year | On Campus | Student Housing* | Non-Campus | Public Property |
|-----------------------------------|------|-----------|------------------|------------|-----------------|
| Murder/Non Negligent Manslaughter | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Manslaughter by Negligence        | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Rape                              | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Fondling                          | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Incest                            | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Statutory Rape                    | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Robbery                           | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Aggravated Assault                | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Burglary                          | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Motor Vehicle Theft               | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Arson                             | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Domestic Violence                 | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Stalking                          | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 1         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Dating Violence                   | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |

\*Western Nevada College Carson Campus does not have any residential facilities.

**Western Nevada College Carson Campus**  
**Clery Act Arrests and Disciplinary Referrals**

| Offense                                                 | Year | On Campus* | Student Housing | Non-Campus | Public Property |
|---------------------------------------------------------|------|------------|-----------------|------------|-----------------|
| Liquor Law Violation Arrests                            | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |
| Drug Law Violation Arrests                              | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |
| Weapons Law Violation Arrests                           | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |
| Liquor Law Violations Referred for Disciplinary Action  | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |
| Drug Law Violations Referred for Disciplinary Action    | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |
| Weapons Law Violations Referred for Disciplinary Action | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |

\*Western Nevada College Carson Campus does not have any residential facilities.

Data is reported by calendar year.

**Hate Crimes:**

2024: No Hate Crimes reported.

2023: No Hate Crimes reported.

2022: No Hate Crimes reported.

**Unfounded Crimes:**

2024: Zero unfounded crimes.

2023: Zero unfounded crimes.

2022: Zero unfounded crimes.

# Western Nevada College Douglas Campus Crime Statistics

| Offense                           | Year | On Campus | Student Housing* | Non-Campus | Public Property |
|-----------------------------------|------|-----------|------------------|------------|-----------------|
| Murder/Non Negligent Manslaughter | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Manslaughter by Negligence        | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Rape                              | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Fondling                          | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Incest                            | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Statutory Rape                    | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Robbery                           | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Aggravated Assault                | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Burglary                          | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Motor Vehicle Theft               | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Arson                             | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Domestic Violence                 | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Stalking                          | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Dating Violence                   | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |

\*Western Nevada College Douglas Campus does not have any residential facilities.

**Western Nevada College Douglas Campus**  
**Clery Act Arrests and Disciplinary Referrals**

| Offense                                                 | Year | On Campus* | Student Housing | Non-Campus | Public Property |
|---------------------------------------------------------|------|------------|-----------------|------------|-----------------|
| Liquor Law Violation Arrests                            | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 1          | 0               | 0          | 0               |
|                                                         | 2022 | 1          | 0               | 0          | 0               |
| Drug Law Violation Arrests                              | 2024 | 2          | 0               | 0          | 0               |
|                                                         | 2023 | 2          | 0               | 0          | 0               |
|                                                         | 2022 | 4          | 0               | 0          | 0               |
| Weapons Law Violation Arrests                           | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |
| Liquor Law Violations Referred for Disciplinary Action  | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 1          | 0               | 0          | 0               |
| Drug Law Violations Referred for Disciplinary Action    | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |
| Weapons Law Violations Referred for Disciplinary Action | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |

\*Western Nevada College Douglas Campus does not have any residential facilities.

Data is reported by calendar year.

**Hate Crimes:**

2024: No Hate Crimes reported.

2023: No Hate Crimes reported.

2022: No Hate Crimes reported.

**Unfounded Crimes:**

2024: Zero unfounded crimes.

2023: Zero unfounded crimes.

2022: Zero unfounded crimes.

## Western Nevada College Fallon Campus Crime Statistics

| Offense                           | Year | On Campus | Student Housing* | Non-Campus | Public Property |
|-----------------------------------|------|-----------|------------------|------------|-----------------|
| Murder/Non Negligent Manslaughter | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Manslaughter by Negligence        | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Rape                              | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Fondling                          | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Incest                            | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Statutory Rape                    | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Robbery                           | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Aggravated Assault                | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Burglary                          | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Motor Vehicle Theft               | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 2         | 0                | 0          | 0               |
| Arson                             | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Domestic Violence                 | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Stalking                          | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |
| Dating Violence                   | 2024 | 0         | 0                | 0          | 0               |
|                                   | 2023 | 0         | 0                | 0          | 0               |
|                                   | 2022 | 0         | 0                | 0          | 0               |

\*Western Nevada College Fallon Campus does not have any residential facilities.

**Western Nevada College Fallon Campus**  
**Clery Act Arrests and Disciplinary Referrals**

| Offense                                                 | Year | On Campus* | Student Housing | Non-Campus | Public Property |
|---------------------------------------------------------|------|------------|-----------------|------------|-----------------|
| Liquor Law Violation Arrests                            | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |
| Drug Law Violation Arrests                              | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 2          | 0               | 0          | 0               |
| Weapons Law Violation Arrests                           | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |
| Liquor Law Violations Referred for Disciplinary Action  | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |
| Drug Law Violations Referred for Disciplinary Action    | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |
| Weapons Law Violations Referred for Disciplinary Action | 2024 | 0          | 0               | 0          | 0               |
|                                                         | 2023 | 0          | 0               | 0          | 0               |
|                                                         | 2022 | 0          | 0               | 0          | 0               |

\*Western Nevada College Fallon Campus does not have any residential facilities.

Data is reported by calendar year.

**Hate Crimes:**

2024: No Hate Crimes reported.

2023: No Hate Crimes reported.

2022: No Hate Crimes reported.

**Unfounded Crimes:**

2024: Zero unfounded crimes.

2023: Zero unfounded crimes.

2022: Zero unfounded crimes.

The Western Nevada College  
2025 Annual Security Report  
was prepared by University Police Services.



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

[www.unr.edu/police](http://www.unr.edu/police)

Follow us on Twitter or like us on Facebook at:

University of Nevada Reno Police Department