

Appendix I: Definitions

- Assistant Dean of Student Conduct: The Assistant Dean of Student Conduct or designee will be referred to as the "Assistant Dean" throughout the Student Code of Conduct.
- Authorized Person: In the context of drug possession or use, obtaining official permission or approval from a medical provider to be in possession of or use, prescription medication or controlled substance.
- Authorized Prescription or Drugs: Prescribed by a licensed medical professional and dispensed by a legitimate pharmacy.
- Chair of the Board: In a case involving a Hearing Board, the Chair of the Board is responsible for maintaining the flow of the hearing, determining what evidence to admit, and asking questions of the Complainant, Responding Party, and witnesses.
- Cheating: The act of cheating means:
 - a. obtaining or providing unauthorized information while executing, completing or in relation to coursework, through verbal, visual, or unauthorized use of books, notes, text, and other materials;
 - b. unauthorized collaboration on coursework;
 - c. turning in the same work in more than one class (or when repeating a class), unless permission is received in advance from the instructor;
 - d. taking an examination for another student, or arranging for another person to take an exam in one's place;
 - e. altering or changing test answers after submittal for grading;
 - f. altering or changing grades after grades have been awarded;
 - g. altering or changing other academic records once these are official; and/or
 - h. facilitating or permitting any of the above-listed items. For purposes of this definition of cheating, the term "unauthorized" is defined as not obtaining direct or explicit approval of the course instructor. For purposes of this definition of cheating, the term "coursework" is defined as an examination, laboratory experience or report, papers, homework, quizzes or any other class assignment or class activity.

- Consent:
 - a. 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 acting is under the influence of drugs and/or alcohol.
 - b. The existence of a dating relationship or past sexual relations between the participants does not constitute consent to any other sexual act.
 - c. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.
 - d. 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.
 - e. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully and 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 any individual otherwise cannot consent.
 - f. Consent cannot be given when it is the result of coercion, intimidation, force, or threat of harm.
- Contempt: Contempt of disciplinary proceedings includes impairing or interrupting any proceeding or providing false information to University officials and student hearing board members during the conduct resolution process.
- Dating Violence: 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.

- **Dean of Students:** Dean of Students or designee will be referred to as the “Dean” throughout the Student Code of Conduct.
- **Disorderly Conduct:** The disruption, obstruction, or unauthorized interruption of teaching, research, convocations, recruiting interviews, social events, meetings, business, disciplinary proceedings, or other University activities; including public service functions and outreach activities on or off campus, or other activities when the conduct occurs on University property.
- **Discrimination:** Unlawful discrimination based on 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, color, or religion (protected classes) that is severe, persistent, or pervasive and has the purpose or effect of substantially interfering with an individual’s academic or work performance, or of creating an intimidating or hostile environment in which to work or to learn. Discrimination based on a protected class, including unlawful harassment, which is a form of discrimination is illegal under federal and state law.
- **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, 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.
- **Evidence:** Information 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 information. Evidence can take the form of testimony, documents, photographs, video recordings, audio recordings, or other tangible objects.
- **False Reporting of Emergency Situation:** False reporting of any emergency situation includes, but is not limited to, misuse of campus emergency notification equipment; unauthorized tampering with, and/or accessing of, safety, security, or fire protection equipment, devices, or alarmed doors; setting off a fire alarm for reasons other than

actual fire or emergency; or involvement in setting or causing any unauthorized fire in or on University property.

- Harassment: Any act of unlawful 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, color, or religion and that unwelcome conduct: 1) 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.
- Hazing: Any method of initiation into, or affiliation with, the University Community, a student organization, a sports team, an academic association, or other group engaged in by an individual that a reasonable person would consider intentionally or recklessly endangers another individual according to the NSHE Hazing Policy. Examples of hazing activities may include, but are not limited to:
 - a. Any physical activity, such as whipping, paddling, beating, striking, electric shocking, branding, forced calisthenics, exposure to the elements, forced consumption of food, liquid, alcohol, drugs, or other substance, forced servitude, placing of a harmful substance on someone else's body, performing sexual acts, or any other brutal treatment or other forced physical activity that is likely to affect the physical health of the person adversely.
 - b. Any mentally embarrassing, harassing, or ridiculing behaviors to create psychological shocks, to include but not limited to such activities as: Engaging in public stunts and buffoonery, morale degradation, or humiliating games and activities.
 - c. Any situation that subjects the individual to extreme stress, such as sleep deprivation, confinement to a small space, forced exclusion from social contact, required participation in public stunts, forced conduct which produces pain, physical discomfort, or adversely affects the mental health or dignity of an individual.
 - d. Any expectations or commands that force individuals to engage in an illegal activity and/or willful destruction or removal of public or private property.

- e. Any action of collusion or inaction with a member or guest of the University Community that results in a student engaging in behaviors that violate the Code.
- f. Any action or knowledge of the commission of an action that results in a minor being in physical possession of or possessing by consumption of alcohol or other drugs while in attendance at an organizational event.
- g. Any activities that adversely affect academic progress.
- h. Any activities that violate local, state, tribal, or federal laws.

- Hearing Administrator: A member of Student Services administrative faculty designated as the facilitator for the hearing.
- Hearing Officer: The designee selected by the Hearing Administrator who shall hear the case against a student or student organization.
- NSHE: The term NSHE is defined as Nevada System of Higher Education.
- Plagiarism: The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment of the use.
- Recognized Student Organization: An organization that has agreed to comply with policies and guidelines that bind the organization with the University in a reciprocal relationship that promotes safety and student success.
- Retaliation: An adverse action taken against someone who has filed a complaint, acted as a witness, participated in a hearing or other related administrative process, or engaged in another form of protected activity taken because they had engaged in the protected activity. The party alleged to have engaged in retaliation must have been aware of the protected activity at the time they engaged in the allegedly retaliatory behavior. Adverse action is anything that would deter or dissuade a reasonable person (in the circumstances) from filing a complaint or engaging in other protected activity—if the action is taken because of the protected activity. Petty slights, minor annoyances, bad manners, and trivial inconveniences do not count as adverse actions.
- Reporting Party: The term "Reporting Party" means any person who submits a charge alleging that a student violated the Code. For the purposes of resolution of the allegations, if the case is pursued by the Office of Student Conduct and goes to formal resolution, then the Reporting Party participates as a witness and/or the initiator of the referral of the incident.

- Responding Party: The term "Responding Party", or "Responding Party organization," means any student or student organization accused of violating this Code.
- Sexual Coercion:
 - a. The use of violence or threats of violence against a person or the person's family or property.
 - b. Depriving or hindering a person in the use of any tool, implement or clothing; or
 - c. Attempting to intimidate a person by threats or force.
 - d. Conduct committed with 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. In the context of sexual misconduct, coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether to engage in sexual activity. Examples of coercion include 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.
- Non-Title IX Sexual Harassment: unwelcome sexual advances, requests for sexual favors, and other visual, verbal, or physical conduct of a sexual or gender bias nature constitute sexual harassment when:
 - a. Educational Environment: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status ("quid pro quo"); or (2) Conduct that is sufficiently severe, persistent, or pervasive 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. Workplace Environment: (1) 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 (2) Conduct that is sufficiently severe, persistent, or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive, and which may or may not

interfere with the employee's job performance ("hostile environment"). Sexual harassment may take many forms—subtle and indirect, or blatant and overt. Sexual harassment includes sexual violence, sexual assault, dating violence, domestic violence, stalking, and coercion or similar acts in violation of state or federal law. For example:

- i. It may occur between individuals of the opposite sex or of the same sex.
 - ii. It may occur between students, between peers and/or co-workers, or between individuals in an unequal power relationship (such as by a supervisor regarding a supervised employee or an instructor regarding a current student).
 - iii. 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.
 - iv. It may consist of repeated actions or may even arise from a single incident if sufficiently severe.
 - v. It may also rise to the level of a criminal offense, such as battery or sexual violence
- Sexual Harassment Under Title IX: conduct based on sex that satisfies one of the following:
 - a. An employee of a NSHE institution (including but not limited to a student employee) conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
 - b. Unwelcome conduct based on sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
 - c. Sexual assault, as defined in 34 C.F.R. § 668.46(a) (commonly known as the Clery Act), as amended by the Violence Against Women Act, including dating violence, domestic violence, and stalking.
 - Sexual Violence: 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 (see Definition 25), 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.

- Stalking: Engaging in a course of conduct based on 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.
- Student: The term, "student" means any person who is or was enrolled in University courses, either full-time or part-time, including correspondence study, online, electronic means, study abroad, or auditing, or courses offered through any institution satellite campuses or auxiliary means. Students are subject to disciplinary action for conduct that occurs during any period under this Code's authority and jurisdiction as defined above. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the institution are considered "students." To avoid doubt, this includes students identified as non-degree seeking, dual enrollment, graduate special, and students enrolled in University approved certificate programs.
- Surreptitious Recording: The use of covert electronic surveillance cameras without the knowledge of the person being observed.
- Unauthorized Person: In the context of drug use, possession, and distribution is any person besides the person whom the prescription is prescribed to by a licensed medical professional and dispensed by a legitimate pharmacy.
- Unauthorized Use of University Technology: Unauthorized use of University technology includes, but is not limited to: (a) unauthorized entry into or transfer of, a file to use, read, or change the contents or for any other purpose; and/or a violation of copyright laws; (b) use of another individual's identification and/or password; (c) interfering with the work of another student, faculty member or University official, or with the normal operation of the University computing system; or, (d) violating the University's Standards of Conduct for the Use of University Computers.
- University: The term University is defined as the University of Nevada, Reno.
- University Community: The term "University Community" includes any person who is a student, faculty member, staff, or University official or any other person employed by the University. The Assistant Dean of Student Conduct shall determine a person's status in a particular situation.

- **University Property:** The term "University Property" includes all land, buildings, and facilities, in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- **Voter Fraud:** Election tampering of an election for a student organization or group. This includes, but is not limited to, casting more than one ballot in the same election, any tactic aimed at lowering or suppressing the number of voters who might otherwise vote in an election, buying votes, voter impersonation, voter fraud, including forging signatures on forms, not turning in a completed form or discarding completed forms and fraud by election officials through manipulation of ballots, tossing out ballots, casting ballots in voters' names or changing votes from one candidate to another.
- **Willful Incitement:** Action or inaction with another student or guest of the University Community that encourages or supports a Student or Student Club/Organization to commit a violation of the Code, University policy, or policy of the Board of Regents falls within the purview of this Code.
- **Working Days:** Calendar days, excluding University holidays and weekends.