

BOARD OF REGENTS

BRIEFING PAPER

Disciplinary Proceedings and Expunging of Disciplinary Records

**BACKGROUND & POLICY CONTEXT OF ISSUE:**

During the August 4, 2006, Special Board meeting, regents heard testimony on the violations of the Honor Code at University of Nevada, Las Vegas, School of Dental Medicine. At that time the Board requested that staff bring back appropriate policies for considera

# **POLICY PROPOSAL**

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**TITLE 2, CHAPTER 6, SECTION 6.2 (in part)**

Misconduct, Disciplinary Proceedings, a

- (h) Forgery, alteration, falsification or destruction of System documents or furnishing false information in documents submitted to the Nevada System of Higher Education[-];
- (i) Making an accusation which is intentionally false or is made with reckless disregard for the truth against any member of the System community by filing a complaint or charges under this Nevada System of Higher Education Code or under any applicable established grievance procedures in the System[-];
- (j) The repeated use of obscene or abusive language in a classroom or public meeting of the System where such usage is beyond the bounds of generally accepted good taste and which, if occurring in a class, is not significantly related to the teaching of the subject matter[-];
- (k) Willful incitement of persons to commit any of the acts herein prohibited[-];
- (l) Disorderly, lewd or indecent conduct occurring on System premises or at a System sponsored function on or off such premises[-];

(t) Any other conduct which violates app

**POLICY PROPOSAL**  
**TITLE 2, CHAPTER 6, SECTION 6.3 (in part)**  
**Misconduct, Disciplinary Proceedings, and Expunging of Disciplinary Records**  
Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 6.3 Disciplinary Sanctions

The following sanctions are applicable to members of the community of the Nevada System of Higher Education for conduct prohibited by Section 6.2 of the Nevada System of Higher Education Code . Depending on the seriousness of the misconduct, these sanctions may be imposed in any order.

6.3.1 Warning . Notice, oral or written, that continuation or repetition of prohibited conduct may be the cause for more severe disciplinary action.

6.3.2 Reprimand . A formal censure or severe reproof administered in writing to a person engaging in prohibited conduct.

6.3.3 Restitution . The requirement to reimburse the legal owners for a loss due to defacement, damage, fraud, theft or misappropriation of property. The failure to make restitution shall be the cause for more severe disciplinary action.

6.3.4 Probation . Probation is applicable to students only. It consists of a trial period not exceeding one year in which the conduct of the student will be evaluated in terms of whether any prohibited acts are committed. Probation may include exclusion from participation in privileged or extracurricular activities of the System. The person placed on probation shall be notified, in writing that the commission of prohibited acts will lead to more severe disciplinary sanctions. The official transcript of the student on probation may be marked "DISCIPLINARY PROBATION" for the period of the probation and any exclusions may also be noted. Parents or legal guardians of minor students shall be notified of the action.

6.3.5 Reduction in Pay . A reduction in pay may be imposed at any time during the term of an employment im0s(a)-0.8(da-21lu6.3dr)-1.(itie())TJ-17.94 -.3(e)-01.32 Tc2ent on probation )Tj-0.02 0 -0

or who graduated at the end of the previous semester may request that the notation of the disciplinary suspension be removed from the official transcript when two years have elapsed since the expiration of the student's suspension. Such request must be submitted in writing to the President *or designee in accordance with 6.3.8*. If the request is not granted, the student at yearly intervals thereafter may submit a request for removal of the notation.

(b) For Employees Only . Exclusion from assigned duties for one or more workweeks without pay, as set forth in a written notice to the employee. The phrase "workweek" has the meaning ascribed to it in Section 7(a) of the Fair Labor Standards Act; 29 U.S.C. § 207(a). (B/R 10/93)

#### 6.3.7 Expulsion or Termination .

(a) For Students Only . Termination of student registration and status for an indefinite period of time. Permission of the president shall be required for readmission. The official transcript of the student shall be marked "DISCIPLINARY EXPULSION EFFECTIVE \_\_\_\_\_." The parents or legal guardians of minor students shall be notified of the action.

*A student who is enrolled in his or her last semester before graduation or is not currently enrolled in the System and who was not registered during the previous semester or who graduated at the end of the previous semester may request that the notation of the disciplinary expulsion or termination be removed from the official transcript when four years have elapsed since the expiration of the student's expulsion or termination. Such request must be submitted in writing to the President or designee in accordance with 6.3.8. If the request is not granted, the student at yearly intervals thereafter may submit a request for removal of the notation.*

(b) For Employees Only . Termination of employment for cause. A hearing held under the procedures established in Section 6.12 and other applicable provisions of this chapter shall be required before the employment of an employee may be terminated for cause.

#### 6.3.8 Expunging of Student Disciplinary Records. *Records of disciplinary actions resulting in a student's suspension, expulsion, or termination shall be maintained for a period of at least six years from the date of the disciplinary action unless, pursuant to a written request, an official order to expunge a specific disciplinary record and remove from the student's transcript is issued by the President or designee as prescribed in 6.3.6 and 6.3.7.*

*A student may request that his or her disciplinary record be expunged and any such notation be removed from the student's transcript during the student's last semester before graduation or any time following graduation. The burden demonstrating reasonable cause for considering the expunging of a disciplinary record lies with the student. In considering such requests, the institution may consider the:*

*(a) Stated reason for request and circumstances surrounding request;*

*(b) Date and seriousness of the violation;*

*(c) Student's behavior and disciplinary record since the violation, including successful completion of any imposed sanctions;*

*(d) The impact, if any, on the public that failure to give such notice may cause; and*

*(e) Consequences of denying request.*

*The grant or denial of a request to expunge a student's disciplinary record shall rest solely within the discretion of the institution, and the enumeration of the foregoing factors shall not in any way imply a duty on the institution to grant such a request by means of a balancing or other test. If a request is not granted, the student at yearly intervals thereafter may request that his or her disciplinary record be expunged. The denial of a request to expunge is not appealable.*

*RENUMBER EXISTING SECTION 6.3.8 AS SECTION 6.3.9.*



**POLICY PROPOSAL**

**TITLE 2, CHAPTER 6, SECTION 6.8 (in part)**

Misconduct, Disciplinary Proceedings, and Expunging of Disciplinary Records

**POLICY PROPOSAL**  
**TITLE 2, CHAPTER 6, SECTION 6.11 (in part)**  
Misconduct, Disciplinary Proceedings, and Expunging of Disciplinary Records  
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~~[Section 6.11 Institutional Hearing Committee for Students Only~~

- ~~6.11.1 Special Intended Use . This section is intended to be used as an alternate means of hearing disciplinary matters by those member institutions whose student governments may utilize judicial councils to hear student disciplinary matters.~~
- ~~6.11.2 Selection of the Committee . The president shall establish procedures for selecting an institutional hearing committee on either an ad hoc or continuing basis which shall be composed of such students and faculty as the president may determine. Judicial councils of the member institutions as may be~~

~~hearing committee may be disqualified on the committee member's own motion. Replacements for disqualified committee members shall be made under procedures established by the president.~~

~~6.11.5 Findings and Recommendations. Findings of fact and recommendations of the institutional hearing committee shall be made in writing to the president within a reasonable time after the close of the hearing with copies to the person charged and to the administrative officer. The full range of sanctions established by Section 6.3 of the Nevada System of Higher Education Code is available.]~~

*RENUMBER EXISTING SECTIONS 6.12 THROUGH 6.19 AS 6.11 THROUGH 6.18.*