



**Drug-Free Schools and Campuses Regulations
[Edgar Part 86] Biennial Review:
Academic Years 2022-2023 and 2023-2024**



**Prepared by:
Monica Munoz, MS, LMFT**

**Division of Student Affairs
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**874 American Pacific Drive, Henderson NV 89014
702.777.8687 | 877.575.8687 (Toll Free)
tun.touro.edu**

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**Alcohol and Other Drug Prevention Certificate Signed by Chief Executive Officer
Touro University Nevada
Drug-Free Schools and Campuses Regulations [EDGAR Part 86]
Alcohol and Other Drug Prevention Certification**

The undersigned certifies that it has adopted and implemented an alcohol and other drug prevention program for its students and employees that, at a minimum, includes –

1. The annual distribution to each employee, and to each student who is taking one or more classes of any kind of academic credit except for continuing education units, regardless of the length of the student’s program of study, of:

- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities
- A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol
- A description of any drug or alcohol counseling, treatment or rehabilitation or re-entry programs that are available to employees or students
- A clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with state and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

2. A biennial review by the institution of its alcohol and other drug prevention comprehensive program to:

- Determine its effectiveness and implement changes to its comprehensive alcohol and other drug prevention program and policies, if they are needed
- Ensure that its disciplinary sanctions are consistently enforced.

Touro University Nevada
874 American Pacific Drive
Henderson, Nevada 89014

Andrew Priest
Typed Name of Campus President and
Provost



Signature of the Campus President
and Provost

01/08/2025
Date

200363127
IRS Employer Identification Number

702-777-3225
Telephone Number

apriest@touro.edu
E-mail address

Introduction/Overview

The Drug-Free Schools and Communities Act (DFSCA) requires an institution of higher education (IHE) such as Touro University Nevada to certify it has implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs both by TUN students and employees either on its premises or as a part of any of its activities. At a minimum each institution of higher education must annually distribute the following in writing to all students and employees:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or reentry programs that are available to employees or students; and
- A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

Additionally, the law requires that the institution conduct a biennial review of its program with the following objectives:

- Determining the effectiveness of the policy and implementing changes to the alcohol and other drug programs if they are needed; and
- To ensure that the sanctions developed are enforced consistently.

The biennial review must also include a determination as to:

- The number of drug- and alcohol-related violations and fatalities occurring on the campus or as part of their activities that are reported to campus officials; and
- The number and types of sanctions the IHEs impose on students or employees as a result of such violations or fatalities.

Biennial Review Process

Touro University Nevada understands its legal obligation to conduct a biennial review of compliance with the Drug-Free Schools and Communities Act and authorized an administrative review to be conducted to determine if the college fulfills the requirements of the previously mentioned federal regulations. To help meet these federal requirements, TUN has developed a Drug and Alcohol Committee. This committee, co-chaired by the Institutional Director of the Office of Student Counseling and Institutional Director of Student Involvement, was charged with policy and procedure review as it relates to drugs, alcohol and student conduct. Lastly, this committee is responsible for all drug and alcohol prevention programming and implementation of these programs. The mission of the TUN Alcohol and Other Drug Committee (AODC) is to lead efforts in reducing alcohol and drug use in the TUN community and to ensure the TUN community understands that alcoholism and drug addiction are chronic conditions that can be successfully prevented and treated.

The TUN Alcohol and Other Drug Committee and the Division of Student Affairs' Office along with the Security Office are responsible for conducting the review and reporting on the findings. The Dean of Students serves as the chief student affairs officer. Policies and procedures have been in existence for both students and employees and are so outlined in college publications. The purpose of this report is to comply as best as possible, using data collected over the past two years, and to give evidence of the procedures in place for subsequent biennial reports.

The following campus units provide information for biennial reports:

- Campus Security Officers;
- Director of Student Involvement;
- Director of the Office of Student Counseling;
- Director of the Office of Academic Services and Institutional Support (OASIS);
- College Faculty;
- Division of Student Affairs', Dean of Students' Office;
- Human Resources Office; and
- Vice President for Finance and Administration.

The purpose of this document is to meet the legal requirements of conducting a biennial review and summarize the programs and activities related to alcohol and drug prevention on Touro University Nevada campus during the 2022-2023 and 2023-2024 academic years.

The following information was compiled and examined for the biennial review:

- Alcohol and drug policies;
- Drug screening policies;
- Alcohol and drug information provided to students and employees;
- Student Handbook policies related to drug and alcohol use on campus and the sanctions imposed for failure to comply;
- Employee Handbook policies related to drug and alcohol use by college employees;

- Touro University Nevada Catalog 2022-2023 and 2023-2024, specifically the sections related to expectations related to student behavior.
- Various resources available to students and employees regarding drug and alcohol abuse;
- A summary of incident reports related to any possible infractions of the drug and alcohol policy presented to the TUN community; and
- Local, State and Federal mandates.

The current biennial review is available through the Division of Student Affairs' Office, Dean of Students' Office and via the TUN website. Previous reviews are available by request to the Division of Student Affairs' Office, Dean of Students' Office.

Annual Policy Notification Process

TUN has written policies on alcohol and drug testing and distributes this to students during orientation, and through access to the online University Catalog and individual academic program student handbooks. The *Employee Handbook* also contains the Drug Free Workplace policy and Code of Conduct Policy. In addition, all university students and employees receive an annual email notification of our policies, practices, applicable laws, and resources.

The written materials annually distributed contain the following:

- Standards of conduct that prohibit unlawful possession, use or distribution of illicit drugs and alcohol on its property or as a part of its activities;
- A description of the health risks associated with the use of illicit drugs and abuse of alcohol;
- A description of applicable legal sanctions under local, state or federal law;
- A description of counseling or treatment programs;
- A clear statement and description of the disciplinary sanctions the institution will impose on students and employees; and <https://tun.touro.edu/media/schools-and-colleges/tun/documents/ADATUN2023-2024CatalogVersion06112024.pdf>

Email is the primary method utilized to distribute policy to all students. The notification email is sent after the August academic cohort has begun. During this review period, the email was sent on September 20, 2022 and August 15, 2023.

In addition, at new student orientation policies and procedures are distributed electronically to each student. The policies are provided and the programs in place for drug and alcohol are shared. Orientations occur prior to the start of each academic program and are conducted during the summer months. All materials are available electronically, so they are available to all students regardless of the program of study being on-line or on-campus.

Touro University Nevada is committed to providing faculty, staff, and visitors with a safe campus and workplace. The Employee Handbook and Faculty Handbook, which include the Drug free Workplace policy and Code of Conduct policy, is distributed to all new hire faculty and staff at initial first day of orientation. Those faculty and staff members who work off campus receive these documents through electronic delivery and all human resource documents can be accessed through a TUN web-based portal. Compliance with these policies is considered a condition of employment at Touro University Nevada and monitored by the Human Resources Department. The University recognizes the health risks associated with controlled substance use and alcohol misuse and is committed to supporting employees who seek treatment for these conditions.

AOD Prevalence Rate, Incidence Rate, Needs Assessment, and Trend Data

There was one occurrence of a drug and alcohol-related incident. There were no occurrences of drug and alcohol-related fatalities on campus. TUN does not allow alcohol on campus. TUN does not have any residence halls.

The Summer 2022 survey was completed by 232 students. Students were quizzed on where to find the policies and where to access help if they or another student are concerned about alcohol or other drug related issues. In addition, the students' opinions were solicited about prescription and nonprescription drug use. Rates of consumption of various substances including alcohol, marijuana, tobacco, cocaine, amphetamine, opiates, steroids, hallucinogens, designer drugs, and other illegal drugs were assessed. The percent of students who endorsed "did not use" for alcohol was 20%, for marijuana 79%, cigarettes and cigars 90%, and for all others on the list 96-98% indicated that they "did not use."

The Summer 2023 survey was completed by 97 students. Students were quizzed on where to find the policies and where to access help if they or another student are concerned about alcohol or other drug related issues. In addition, the students' opinions were solicited about prescription and nonprescription drug use. Rates of consumption of various substances including alcohol, marijuana, tobacco, cocaine, amphetamine, opiates, steroids, hallucinogens, designer drugs, and other illegal drugs were assessed. The percent of students who endorsed "did not use" for alcohol was 14%, for marijuana 54%, cigarettes and cigars 70%, and for all others on the list 96% indicated that they "did not use."

AOD Policy, Enforcement and Compliance Inventory and Related Outcomes/Data

Policies Included

Policy	Pages
Student Conduct Code	9-19
Student Drug Testing Policy	20-22
Alcohol Procedures for University-Wide Events	23
Student Events Alcohol Policy	24
Human Resources: Administrative Employee Handbook	25-26
Human Resources: Faculty Handbook	27-28
Sanctions Touro University Nevada	29-30

Student Conduct Code

Rights and Responsibilities of Students of Touro University Nevada

Revised August 27, 2020

Revision implemented August 27, 2020

The primary purpose of Touro University Nevada (TUN) is the education of students enrolled in the academic programs. As members of an academic community, we all share responsibility for the quality of the community and the well-being of its members. For that reason, TUN has established rights and responsibilities that govern our actions with one another, and students are responsible for knowing and understanding both their rights and responsibilities. Students are expected to uphold the legal, moral, and ethical standards expected of professionals in their field and to display professional behavior that is consistent with these standards.

The Student Conduct Code, which governs the university's expectations for individual students and student organizations, outlines student responsibilities, student rights, and established procedures that will be used when the university's standards of conduct are violated.

INTRODUCTION

Student Responsibilities

Students and student organizations of Touro University Nevada are responsible to:

- know, understand, and follow the Student Conduct Code including the Code of Responsibilities and Rights of the Students of Touro University's degree programs.
- help maintain a university community that is safe.
- engage in interactions and behaviors that are congruent with the university's commitment to tolerance and social justice and are consistent with professional behavior.
- promote positive public relations and perceptions through their behaviors and interactions
- maintain good academic standing in order to hold or maintain elected and/or appointed positions within Touro and/or to travel on behalf of student organizations representing the university.

Student Rights

Students and student organizations of Touro University Nevada shall have the right to a fair process when they face charges under the Student Conduct Code; the process will include an opportunity to:

- receive notice of the alleged violation.
- share their perception(s) of the incident prior to a decision being rendered.
- present witnesses who may provide information in the case.
- be accompanied by an advisor for the Formal Method of Resolution hearing. Please note that the advisor may **not** speak or participate directly in the process (to include questioning witnesses, serving as a witness, and/or making arguments on the student's behalf). The advisor may not be an attorney.
- choose not to participate in or respond to questions at a hearing.

- question any statements made by others in writing, from a transcribed recorded interview as part of an investigation by the Dean of Students or designee, or at a hearing.
- challenge an individual selected as a member of a hearing panel (as outlined below).
- appeal the outcome of a conduct hearing for one or more of the following reasons (as outlined below):
 - established university procedures were not followed.
 - insufficient time to prepare a response to the charges.
 - evidence presented was insufficient to justify the decision.
 - sanction imposed was not in keeping with the gravity of the violation.

Students may view their disciplinary file in accordance with university regulations. Requests to review the file should be submitted to the Dean of Students in writing and will be responded to in timely fashion in accordance with university policy.

Conduct Violations

The following acts are considered to be a violation of acceptable student conduct:

1. Disrupting the educational environment to include malicious obstruction or disruption of teaching, research, and/or administrative procedures.
2. Behaviors inconsistent with the qualities and ethics expected of professionals within the field for which the student is studying.
3. Conduct which could serve as a basis for professional licensure denial. Conduct which could result in a gross misdemeanor or felony accusation. Any attempt to commit one or more acts of the prohibited conduct may be sanctioned. Any attempt to conceal an act of prohibited conduct is subject to sanctions to the same extent as completed acts.
4. Violation of the confidentiality of any medical, personal, financial, and/or business information obtained through the student's educational activities in any academic or professional practice setting.
5. Neglect of responsibilities to include clinical assignments, hospital assignments, patients' rights, and/or pharmaceutical privileges.
6. Cheating (to include but not be limited to the unauthorized use of a text, notes, or other aids during an examination, copying the work of another student, obtaining, and using a copy of an examination in advance of its administration, providing questions and/or answers from an exam to others).
7. Plagiarism (presenting as one's own work the work of another without proper acknowledgement) and self-plagiarism.
8. Deceitful practice (using a substitute or acting as a substitute for another in any academic evaluation or academic setting).
9. Unauthorized collaboration: working together on an exam, project, report, or assignment when the work was assigned to be complete individually and/or when expressly prohibited from doing so by a course instructor or proctor.
10. Initiating, causing, or contributing to any false or misleading information to the university.
11. Forgery, alteration, or misuse of university documents, records, identification, etc.
12. Conduct that threatens or endangers the health or safety of any person or oneself or causing reasonable fear of such harm.

13. Theft of or damage to property of the university and/or of a member of the university community.
14. Use, possession, display or storage of any weapon, dangerous instrument, explosive device, fireworks, or dangerous chemical unless specifically authorized by a faculty member or administrator to be used in a course or as part of a course requirement, while on campus property or while participating in a university function.
15. Using, selling, possessing, distributing, or being under the influence of alcoholic beverages except as permitted by law and university policy. Members of the university community are accountable for their decisions regarding use of alcohol as well as behavior that occurs as a result of those decisions.
16. Using, selling, possessing, distributing, or being under the influence of an illegal drug or narcotics, including marijuana (which is illegal under federal law).
17. Disrupting the operations of the university through actions that interfere with, hinder, obstruct, or prevent the rights of others to freely participate in an activity, program, or service of the university.
18. Using and/or being under the influence of an illegal drug, narcotic, or marijuana, during class, laboratory, externship, clerkship, or at any other situation under the jurisdiction of the university in which professional conduct is expected or required.
19. Possession or use of firearms, ammunition, explosive devices or materials, or other weapons on campus property (to include automobiles parked on the campus).
20. Conduct that threatens, causes harm to, or endangers the health or safety of any person (including but not limited to bullying, stalking, assault, battery).
21. Threatening harm to self in a manner that is disruptive to the university environment.
22. Harassment of any type including but not limited to sexual harassment. Harassment is conduct toward an individual that would disturb or annoy a reasonable person under similar circumstances. This conduct includes, but is not limited to, all forms of verbal, physical, and/or racial harassment.
23. Engaging in conduct intended to, or that results in discrimination based on race, color, religion, sex, age, disability, sexual orientation, national origin, military status, or genetic test information.
24. Disorderly, lewd, indecent, or obscene behavior directed toward a member of the university community and/or at a university-related activity.
25. Failure to comply with the directions of and/or interfering with any university official or public safety officer who is acting in the performance of his or her duties.
26. Threatening, harassing, and/or intimidating any participant in a student conduct procedure.
27. Knowingly giving false information to a TUN official who is performing official duties (including making a wrongful accusation against a university official, fellow student, or other member of the university community).
28. Violating the terms of any disciplinary action imposed for an earlier violation of the student conduct code or other University rules
29. Unauthorized presence in or unauthorized use of university property, resources, or facilities.

30. Unauthorized access to, disclosure of, or use of any University document, record, or identification including, but not limited to, electronic software, data, and records. Misuses of University computing facilities, telecommunications, networking systems, associated facilities, resources, or equipment as outlined by university policies.
31. Misrepresenting oneself or an organization as an agent of the University.
32. Retention of property the student knows or has reason to believe may be stolen.
33. Hazing, solicitation to engage in hazing, or aiding and assisting another who is engaged in hazing of any person enrolled, accepted for enrollment, or intending to enroll in the University. Hazing means any intentional, knowing, or reckless act committed by a student, whether individually or in concert with other(s), against another student, and in which both of the following apply:
 - a. The act was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in any organization that is affiliated with an educational institution.
 - b. The act contributes to a substantial risk of potential physical injury, mental harm, or degradation, or causes physical injury, mental harm or personal degradation.
34. Violation of established university policies and procedures. Including, but not limited to the following:
 - a. Attempting to commit an infraction of university policy, regardless of whether or not the attempt is or possibly could have been successful.
 - b. Associating or participating in any infraction of university policy or entering into an agreement with one or more individuals to commit an infraction of university policy where the infraction is ultimately committed or attempted by any one of more of the individuals.
 - c. Inducing or soliciting another to commit an infraction of university policy or providing assistance to another knowing that it is likely to result in an infraction of this Policy.
35. Engaging in any sexual offense, including but not limited to, sexual assault, public sexual indecency, or indecent exposure.
36. Sexual Harassment—Sexual harassment is a form of unlawful discrimination under state and federal law. It may consist of: actual or threatened sexual contact which is not mutually agreeable to both parties, continued or repeated verbal abuse of a sexual nature, and/or a threat or insinuation that a lack of sexual submissiveness will adversely affect the victim’s employment, academic standing or other vital circumstances. Examples of sexual harassment include but are not limited to:
 - inappropriate display of sexually suggestive objects or pictures;
 - unnecessary touching, pinching, patting or the constant brushing against another’s body;
 - use of sexually abusive language (including remarks about a person’s clothing, body or bodily movement or sexual activities), and/or
 - unwelcome sexual propositions, invitations, solicitations, and flirtations.
37. Sexual Assault—An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Any sexual act

directed against 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. Or any unlawful, nonforced sexual intercourse such as incest or statutory rape.

38. Non-Consensual Sexual Contact—Consent is defined as affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Nonconsensual sexual contact includes: any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force.
- Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
39. Sexual Exploitation—A person who induces another person to undertake or endure a sexual act by serious abuse of that person’s position of dependency on the perpetrator, shall be guilty of sexual exploitation.
40. Domestic Violence is violence committed by:
- A current or former spouse or intimate partner of the victim
 - A person with whom the victim shares a child in common
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
 - A person similarly situated to a spouse of the victim, without regard to gender or
 - 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
41. Dating Violence is violence committed by a person who is or has been in a social relationship or a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of the following factors:
- a. the length of the relationship,
 - b. the type of relationship, and
 - c. the frequency of interaction between the persons involved in the relationship.
42. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or to suffer substantial emotional distress.
43. Bullying is an intentional course of conduct, individual act or series of acts that is intended to impose one’s will or desire and causes harm to others, and may include verbal or non-verbal threats, assault, stalking or other methods of attempted coercion such as manipulation, blackmail or extortion (including, without limitation, offending conduct that is undertaken or effected in whole or in part through the use of electronic messaging services, commercial mobile services, electronic communications, social media or other technology). In addition, Bullying includes, but is not limited to, unwanted or uninvited aggressive behavior that intends to harm, threaten, frighten or intimidate another person and may involve a pattern of behavior that is repeated over time where an imbalance of power exists between the Respondent and the Complainant (Taken from Loyola Marymount University Student Code of Conduct)
44. Knowingly failing or refusing to adhere to the guidelines and requirements located in any of the following documents:

- a. COVID-19 Policies listed in Appendix M of the TUN Catalog
 - b. COVID-19 Health and Safety Guide for Campus
 - c. COVID-19 Health and Safety Acknowledgement Form
45. Organizing and/or hosting, either individually or with others, an event, party or other gathering (“Event”) or attending such an event, where the attendees are not required to, or knowingly fail or refuse to, adhere to COVID-19 guidelines and requirements of federal, state or local public health laws, regulations or orders, including but not limited to the requirements of maintaining appropriate social distancing (6 feet based on current public health guidance) and wearing an appropriate face mask. This applies to events that are organized and/or held on or off campus.

REPORTING ALLEGATIONS OF MISCONDUCT

Members of the university community have the right and responsibility to report violations of the conduct code. Forms to report a violation are available in Student Affairs; the report will require the specific nature of the violation. The individual making the report ideally would have first-hand knowledge of the violation; it can be difficult to investigate charges that are based on hearsay, so if individuals report what others have shared with them, they will need to provide the name(s) of individuals who might have first-hand knowledge of the infraction.

RESOLUTION PROCESS FOR MISCONDUCT

When an individual wishes to report that a student or group of students has violated the Student Conduct Code, they are to report that in writing in sufficient detail (appending any documentation and/or list of witnesses) to the Dean of Students. Upon receipt of a written complaint, the Dean of Students will contact the student(s) involved to inform them of the alleged violation. Charges initially are investigated by the Dean of Students and/or her or his designee to determine whether the matter will move forward in the resolution process. Touro University Nevada uses, at the discretion of the investigative officer, either an informal or formal method of resolution. The resolution process is designed to determine whether a student or group of students should be held responsible for violating the Student Conduct Code. When students are found responsible for acts of misconduct, they receive sanctions that hold them accountable for those acts.

When the Dean of Students determines that the student’s behavior is sufficiently egregious and/or disruptive to warrant it, a student may be temporarily suspended from the university, until a final decision is reached through the resolution process.

Following an investigation, the investigative officer may offer an informal resolution to the accused student and/or move the issue forward using the formal method of resolution.

Informal Method of Resolution

If the student and the investigative officer agree on an informal resolution, both will sign a written document to that effect, and the terms of that disciplinary action will take effect immediately. Informal resolution is not subject to appeal by the student as it is entered into voluntarily.

The student must decide whether to accept the informal resolution within three (3) business days of notification. If the student does not accept the informal resolution as proposed or amended by the investigative officer, the matter will move forward using the formal method of resolution.

Formal Method of Resolution

The formal method of resolution may be used when students are alleged to have violated the Student Conduct Code. The process is designed to ensure that students are treated fairly when their conduct is questioned and to ensure that disruptions to the educational environment are minimized and addressed. The steps in the formal method of resolution are as follows:

- Within ten business days of receiving the initial complaint, the charge(s) will be shared with the student, in written form, by the Dean of Students (or designee). Should a student refuse and/or fail to accept delivery of the statement after a bona fide attempt is made to deliver, the requirements of notification will be considered to have been met.
- The student, after being notified of an allegation, will meet with the investigative officer to discuss the charges. At this meeting, the investigative officer will explain the formal method of resolution and review students' rights and responsibilities in the process. If the student agrees, this discussion may occur by telephone.
- The Dean of Students (or designee) shall arrange a hearing as follows:
 - The hearing shall take place no earlier than three calendar days and no later than ten business days after notification of the decision to proceed with the formal method;
 - The hearing shall be heard by a hearing panel composed of three full-time faculty and/or administrative staff members and two student committee members; The chair, who shall be a faculty and/or administrative staff member and shall be selected by the Dean of Students, will vote only in the case of a tie.
 - All individuals involved in a hearing shall be given written notice of the hearing date, time, and place at least 36 hours prior to any hearing unless waived by the parties involved.
 - Hearings may be postponed for a short time by the Dean of Students if information arises that indicates that essential information and/or an interested party cannot, for good cause, be available at the time set.
- Prior to the hearing, the student charged and the person(s) making the charges (including the University Representative or the Investigative Officer) may:
 - Review all information to be presented to the hearing committee; the length of time for review shall be reasonable as determined by the Dean of Students.
 - The accused student may challenge the seating of one hearing committee member; the challenge must be made at least two business days in advance of the hearing.
 - Request that the hearing be open; however, all hearings will be closed unless **all** parties agree in writing to open session(s).
- At the hearing, the student charged (also referred to as the accused student) and the university representative (usually the investigative officer) may:

- Present, within reasonable time constraints as set by the chair, all aspects of the issue before the hearing committee.
- Be accompanied by an advisor (who may provide advice to but not speak on behalf of the student). The advisor may not be an attorney. Attorneys are not permitted in the room during the hearing.
- At Touro's sole and absolute discretion, Touro has the option of providing the student with a verbatim transcript, redacted transcript, or no transcript of the proceedings
- The hearing will be organized in the following manner:
 - The individual bringing the complaint on behalf of the university, usually the university representative will attend the hearing.
 - The hearing chair will appoint one of the panel members as recorder; this individual will be responsible for taking notes during the hearing. If the issue is sufficiently complex to warrant it, a recorder may be assigned to an individual who is not a committee member. The hearing chair would work with the Dean of Students to request a recorder.
 - The Dean of Students or designee will establish, in advance, expectations of those present. He or she will review the Student Conduct Code, the committee's responsibilities, the student's rights, and the process prior to the hearing.
 - The charges and all issues in dispute shall be orally presented by the investigative officer.
 - The investigative officer (and/or others designated by the chair) will present all information and witnesses supporting the charges made against the accused student. This information may include but is not limited to incident reports, recorded interviews conducted by the investigative officer (or transcripts of the aforementioned interviews), meeting minutes and notarized witness statements. The accused student will have an opportunity to ask questions of each of the witnesses the investigative officer calls to testify during the hearing.
 - Following this presentation, the accused student may present his or her perspective on the issue(s) and submit for the committee's consideration all relevant information. If the student chooses to remain silent, this shall not be interpreted as an admission of guilt. The student may call his or her own witnesses and or present his or her own notarized witness statements. The university representative will have an opportunity to ask questions of each of the witnesses the accused student calls to testify during the hearing.
 - Following questioning by the university representative and the accused student, the committee members may ask questions of any witness. Further, committee members may ask questions of the university representative and the accused student, although the accused student is under no obligation to answer such questions. Additionally, between presentations, the accused student, and/or university representatives may raise questions about the information under review so that all aspects of the case are clarified.
 - At the completion of all discussion, the university representative and the accused student may each make a summary statement. The university representative shall

first present a summary statement followed by the student summary. If the student chooses to make a summary statement, the university representative, having the burden of proof, may offer a rebuttal to the student summary statement, but such rebuttal may address only subjects mentioned in the student summary.

- Once the summary statements are complete and all questions have been asked and answered, the members of the hearing committee will reconvene, and all other individuals will leave the meeting.
- The hearing committee's deliberations will be organized as follows:
 - The hearing committee will meet in closed session to reach a decision; this meeting must be held within one school day following the formal hearing.
 - If the hearing committee seeks additional information once it begins deliberations, it will notify the parties within two school days and reconvene the hearing, if necessary, within five school days of the conclusion of the original hearing.
 - The hearing committee will determine whether it finds the student(s) responsible for violating the Student Conduct Code. The committee will use a preponderance of evidence standard. It will determine whether it is more likely than not that a violation occurred. At least three affirmative votes are required to find a student responsible for a violation.
 - If the student is found responsible, the hearing committee shall recommend sanctions that are logical consequences for the particular violation(s) of the Code.
 - Prior to the making a recommendation of a sanction, the hearing committee will be advised by the Dean of Students of any prior instances when the student has been found responsible for violating the Student Conduct Code and resulting sanctions.
 - The hearing committee chair will prepare, with the committee's concurrence, finding of whether the student violated the Student Conduct Code, written recommendation of sanction(s). This recommendation, submitted to the Dean of Students, must include all recommendations for final disposition of the issues involved.
 - If the committee finds the University has not proven, by a preponderance of the evidence, any allegations of the Student Conduct Code charged, the student may request to have references to the allegation removed from their record per the University FERPA policy.
- The Dean of Students shall review the recommendation of the hearing committee as well as the student's disciplinary file and has the authority to affirm, negate, and/or modify any recommended sanctions. The Dean's decision will be conveyed in writing to the student and the academic dean of the college in which the student is enrolled;
- The university will institute the sanctions outlined by the Dean of Students unless the student involved appeals the decision.
- A student, within five business of notification of the decision, may appeal the decision of the Dean of Students in writing. The appeal may be based **only** on one or more of the following reasons:
 - established university procedures were not followed.

- insufficient time to prepare a response to the charges.
- evidence presented was insufficient to justify the decision.
- sanction imposed was not in keeping with the gravity of the violation.
- The appeal will be assigned to the academic dean of the college in which the student is NOT enrolled using only the criteria outlined above. The appeal must be in writing and include all facts that substantiate the appeal.
- Sanctions will not be imposed until the appeal process is complete.
- The academic dean will consider the student's written appeal and the case file and determine whether to uphold or modify the decision made by the Dean of Students. The academic dean has seven business days from the day the appeal is received from the student to respond to the student.
- The decision of the academic dean will be final except in cases involving dismissal; in cases where the sanction is dismissal, the decision may be appealed to the Campus President and Provost of Touro University Nevada, by the student within seven business days from the date of the letter from the academic dean. The decision of the Campus President and Provost will be final.

Conduct Sanctions

Recommendations and decisions about sanctions will be based upon the severity of the issues and the student's conduct history. Sanctions may include, but are not limited to, the following:

- Written warning
- Restrictions, loss of privileges, and/or exclusion from participation in activities
- Restitution through payment or service
- Intake/assessment/treatment referrals
- Reflection and/or Letter of Understanding
- Required educational activities or courses
- Conduct probation also known as Disciplinary probation (another incident may result in more stringent consequences including suspension)
- Deferred suspension (another incident would result in disciplinary suspension)
- Suspension (a finite amount of time away from the university during which time the student may not participate in classes, organizations, or events and a notation will be placed on the student's transcript) (In certain instances the Dean of Students may allow the student to return to campus to meet with Student Health or other administrators. This permission must be received in writing.)
- Deferred dismissal (a future violation of the Student Conduct Code that is found to meet the preponderance of evidence standard will result in automatic dismissal).
- Dismissal (termination of student's relationship with/enrollment in the university and notation on the student's transcript)

Note:

For the purposes of this policy, a business day is defined as a day in which the Campus President and Provost, and or Division of Student Affairs Administrative Offices are open at 874 American Pacific Dr. Henderson, NV 89014.

For the purposes of this policy, a school day is defined as a day in which classes may meet on campus as outlined in the Academic Calendar in the University Catalog.

Student Drug Testing Policy

Effective Date: August 26, 2024

Reviewed: August 27, 2024

Revised: August 26, 2024

Responsible Position: Dean of Students

Purpose:

To establish student policies and procedures whereby Touro University Nevada shall implement a drug free workplace and academic environment consistent with federal and state law; including the terms and conditions whereby students are required to pass a drug screening that conforms with the standards set by the university and by the affiliated clinical sites of Touro University Nevada.

Scope:

This policy applies to students of Touro University Nevada including all enrolled students who have clinical experience at an outside facility.

Definition

Prohibited Drugs – This policy covers alcohol, and any drug defined as illegal under federal and/or state law or any drug for which a prescription is required and where no prescription has been issued to the student or clinical faculty member for a valid and specific purpose.

Policy:

- Students assigned by Touro University Nevada to a clinical site as part of their educational program are required to be screened for drugs.
- Students who are believed to have violated the policies of the Student Conduct Code dealing with the use of illegal substances and/or alcohol may be required to be screened for drugs.
- Students who request time to be treated for addiction may be required to participate in random drug testing upon their return to classes and/or clinical experiences.
- The cost incurred for the initial drug screen will be the responsibility of Touro University Nevada providing that the drug screen is performed at the facility designated by the University. Urinary Drug Screens (UDS) performed at any other facility will not be reimbursable. If the results of the drug screen are positive, Touro University Nevada will pay for an initial follow-up drug screen. At the discretion of the Director of Student Health, students with an initial positive drug screen may be subject to random urine drug screening. This will be a cost incurred by the student.
- To allow sufficient time for processing, drug screens for clinical experiences must be scheduled at least 2 months before but no earlier than 6 months before the commencement of the clinical experience (preceptorship) and/ or service to the affiliated clinical site.
- If a student is prescribed a medication that will result in a positive test, they may be required to have an UDS with an official sign off by an independent Medical Review Officer. The student will be responsible for the difference between what is currently contracted for standard UDS cost and the special UDS.
- The results of the drug screen will be sent directly to the Director of Student Health who will review the results. A positive result on the drug screen will generate a scheduled appointment

with the Director of Student Health to discuss the result and any required and/or recommended course of action. This may include referral to an addiction medicine specialist or treatment facility for further evaluation at the student's expense. The appropriate college dean or school director will be contacted if there is an issue for clinical placement or progression in the program. The Dean of Students will be contacted when appropriate as determined by the circumstances (Student Conduct Code violation) or by the Director of Student Health if the student has a need for support from the Dean of Students.

- Outside of testing for clinical rotations, fieldwork, clerkships etc. This policy does not permit university personnel to mandate drug testing unless there is an applicable university code of conduct violation or a requirement for drug testing by the students clinical or fieldwork site.

Drug and Alcohol Screening

The drug screening is a comprehensive screening for alcohol and drugs that are illegal under federal law including but not limited to:

- Alcohol
- Amphetamines
- Barbiturates
- Benzodiazepines
- Cocaine
- Marijuana
- Methadone
- Opiates
- Propoxyphene
- PCP
- Quaaludes

Where a test for alcohol or illegal drugs performed on an enrolled student is positive, that person shall be promptly advised of the outcome of the test by the Director of Student Health and offered the opportunity for further confirmatory testing. The results of the initial test shall be deemed conclusive if the affected person declines the opportunity to be retested.

No person shall be compelled by use of force because of behavior to submit to a physical examination, including submission to a blood, urine or other screening procedure, to detect the presence of an illegal drug or alcohol. However, a refusal to comply shall be considered insubordination and subject the affected person to possible dismissal according to the Student Conduct Code. No enrolled student shall be exempt from the terms and conditions of this policy on the grounds that he or she is suffering from a drug or alcohol addiction or habituation. No enrolled student shall be exempt from the terms and conditions of this policy on the grounds that he or she is suffering from a drug or alcohol addiction or habituation.

Confidentiality of Testing and Test Results

- All test results and written authorizations to perform tests shall be treated confidentially and stored in a secure area of the Office of Student Health.
- Should a Chain of Custody urine sample be required, the collection of urine for this test shall be witnessed by an appropriate person at the lab and will meet the requirements necessary

for guaranteeing a chain of custody when the Institutional Student Health Director determines the circumstances warrant it.

- Disclosure of test results of current or past impairment of a person covered by this policy shall be governed by and limited to:
 - Federal and state laws requiring or prohibiting disclosure, (e.g. Health Care Quality Improvement Act);
 - Individuals within Touro University Nevada on a need-to-know basis;
 - The valid order of a court or government agency.

Program Continuation and Progression

Participation in an after-care program, as well as periodic, random drug testing at the student's expense may be a stipulation for return and/or continuation in the program. If a student is found to have a positive UDS, they are subject to action through the Student Conduct Code, up to and including dismissal from the University.

Alcohol Procedures for University-Wide Events

Effective Date: August 29, 2024

Reviewed: August 27, 2024

Revised: August 26, 2024

Responsible Position: Dean of Students

Purpose: This procedure will be used by employees responsible for planning and /or advising university sponsored student events to ensure students are following the university's Alcohol Policy.

Policy: As a general policy, Touro University Nevada prohibits the possession, consumption, or transportation of alcoholic beverages on its campus. The University will not authorize the use of general student fees and/or student organization monies for the purchase, supply, or serving of any alcoholic beverage. There are certain special occasions in the life of the university where alcohol may be permitted on campus and/or at university-wide events scheduled at other venues.

Procedures:

The following procedures should be followed if you have been asked to plan or assist with a university student event where alcohol will be served:

- Enforce the university's expectations that members of the campus community and our guests will make informed decisions and act responsibly regarding the use of alcoholic beverages.
- Be sure that you know and follow all applicable university, city, county, and state regulations related to serving alcohol.
- For events or activities involving students, garner the needed approvals from the Dean of Students as outlined in the Alcohol Policy. Discuss the source of funding for the alcohol purchase before moving forward with purchase.
- Unless you receive written permission from the Dean of Students to serve the alcohol yourself, all alcohol must be served by a TAM-certified individual employed by the event's caterer. TAM certification comes from the Techniques Alcohol Management program and is responsive to regulations and statutes regarding alcohol on university campuses.
- Design and implement a process for checking identification prior to serving alcohol.
- Follow all kosher regulations related to the selection and serving of alcohol.
- Food and non-alcoholic beverages must be served at all events where alcohol is served and must be available throughout the time alcohol is served.
- Report any infractions of university rules and regulations as soon as possible to the Dean of Students.
- As a general statement, the storage of kosher alcohol will be done in a location approved by the Executive Council.

Student Events Alcohol Policy

Effective Date: August 29, 2024

Reviewed: August 27, 2024

Revised: August 26, 2024

Responsible Position: Dean of Students

Purpose: This alcohol policy is intended to provide clear and consistent guidelines for serving and consuming alcoholic beverages on the Touro University Nevada campus at university-wide student events and at student organization events.

Policy: As a general policy, Touro University Nevada prohibits the storage, possession, consumption, or transportation of alcoholic beverages, by students, on its campus. Using, selling, possessing, distributing, or being under the influence of alcoholic beverages except as permitted by law and university policy and is a breach of student code of conduct.

The University will not authorize the use of general student fees and/or student organization monies for the purchase, supply, or serving of any alcoholic beverage. It is against policy to profit and/or collect funds for a student event or related activity where alcohol is involved. There are certain special occasions in the life of the university where alcohol may be permitted on campus, unless approved by the Dean of Students and/or at university-wide events scheduled at other venues.

Employees responsible for planning and/or advising university-sponsored student events must follow the established university procedures for purchase and serving of alcoholic beverages. No alcohol may be served at any student event sponsored by a Touro University Nevada student organization until and unless the organization follows the Responsible Alcohol Procedures for University-Wide Student Events and received written permission from the Dean of Students.

Touro University Nevada: Human Resource Department
Administrative Employee Handbook (excerpts)
Publication Date: February 11, 2021

DRUG-FREE WORK PLACE (page 15)

The Drug-Free Work Place Act of 1988 requires that the University, as a recipient of federal grants, maintains a drug-free work place, and informs all employees of its policy. The illegal use or abuse of drugs that impair a person's ability to perform his or her job responsibilities is prohibited. In addition, the sale, manufacture, possession or use of illegal drugs on the University's campuses is strictly prohibited. Employees are required to notify the University if they are convicted of any criminal drug violation. Touro University Nevada must then report this conviction to the federal agency with which the University does business. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.

SMOKING AND TOBACCO USE (page 16)

It is Touro University Nevada's intent to provide a safe and healthy work environment; therefore, smoking and all tobacco related activities are strictly prohibited in all university buildings and University-operated vehicles. This applies to private offices, as well as all public areas on and around the campus.

CODE OF CONDUCT (pages 11-12)

The following types of behavior are considered violations of the Code of Conduct and will result in disciplinary action:

- The theft of, or damage to, University records and property caused by intentional, negligent or irresponsible conduct;
- Unauthorized use of any university property, including, but not limited to, its name, property, offices, premises, and equipment (such as computer equipment, tools, medical supplies, telephones, cell phones, fax machines, copying equipment and laboratories);
- Conduct which interferes with or obstructs any university functions, or which physically obstructs or threatens to obstruct the operation, administration or proper functioning of the university, its employees and/or students;
- Physical or sexual abuse or harassment of any member of the university community;
- Threatening bodily injury, assault, sexual harassment or assault, or emotional trauma against students, faculty or staff of the university;
- Unprofessional, noncollegial, disorderly, disruptive, or abusive conduct in the classroom or on University premises and otherwise affecting Touro's reputation regardless of location;
- Disorderly, disruptive or abusive conduct in the workplace or on university premises;
- Refusal to follow the lawful rules, regulations or policies of the university whether in writing or verbally communicated;
- Unauthorized sale, distribution or consumption of alcoholic beverages on university premises;
- Distribution, purchase, or possession of illegal or unauthorized barbiturates, amphetamines, marijuana, hallucinogens, opiates or any other addictive or illegal drugs or paraphernalia on university premises;

- Gambling in any form on university premises;
- Possession, distribution or sale of weapons, incendiary devices or explosives on university premises;
- Tampering with or misusing fire-fighting equipment and/or safety equipment (such as alarm boxes and extinguishers);
- Participation in, or furtherance of any illegal activity on Touro's premises;
- Knowingly providing false information to university supervisors or officials, including the falsification of information on any of the university's applications, time sheets or job records or false statements made to supervisors, officials or fellow employees;
- Refusal to identify oneself to an official or security officer of the university or to present proper identification upon entering the university premises;
- Accessing computer files or other university records without authorization or providing unauthorized access or information obtained through such access to other parties without appropriate authorization. The sharing of passwords or other information and the use of improper code (e.g., viruses) is expressly prohibited; Gaining access to computer files or other university records other than those to which the employee has authorization, or providing such access to other parties;
- Offensive or derogatory written or verbal statements intended to inflict harm on members of the university community, including, without limitations to, racist, ethnic, religious or sexist remarks, slurs, references or discriminatory acts regarding any member or group of the university community including students, faculty, staff, and employees;;
- Using racial, ethnic or religious slurs or discriminating against an employee or student. Any abusive conduct or harassment directed at an individual or group of individuals in the university community on the basis of the actual or perceived race, gender, color, national origin, ethnicity, religion, age, disability, sexual orientation, pregnancy, lactation or related medical conditions, military/veteran status, predisposing genetic characteristics, genetic information or testing, domestic violence victim status, sexual abuse victim status, stalking victim status, marital or parental status, or citizenship status of such person(s); or any other status protect by state and federal laws;
- Actions that are not harmonious with and supportive of the activities and functions of an educational institution; actions that harm the reputation of the university;
- Aiding and abetting any conduct prohibited by the Code of Conduct;
- Retaliation against an employee or student for reporting a violation of the Code of Conduct
- Intentionally filing a false complaint under the Code of Conduct;
- Insubordination. Refusing to follow directions or perform a function of the job;

Individuals who violate any of the above regulations are subject to disciplinary action at the sole discretion of the university, up to and including, suspension without pay or separation of employment.

Touro University Nevada: Human Resource Department

Faculty Handbook (excerpts)

Publication Date: February 11, 2021

DRUG-FREE WORK PLACE (page 30-31)

The Drug-Free Work Place Act of 1988 requires that the University, as a recipient of federal grants, maintains a drug-free workplace, and informs all employees of its policy. The illegal use or abuse of drugs that impair a person's ability to perform his or her job responsibilities is prohibited. In addition, the sale, manufacture, possession or use of illegal drugs on the University's campuses is strictly prohibited. Employees are required to notify the University if they are convicted of any criminal drug violation. Touro University Nevada must then report this conviction to the federal agency with which the University does business. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.

SMOKING AND TOBACCO USE (page 31)

It is Touro University Nevada's intent to provide a safe and healthy work environment; therefore, smoking and all tobacco-related activities are strictly prohibited in all university buildings and University-operated vehicles. This applies to private offices, as well as all public areas on and around the campus

CODE OF CONDUCT (page 27)

The Codes of Conduct stipulated here does not constitute a comprehensive policy of faculty behavior. This code elaborates on the standards of acceptable and unacceptable conduct while fulfilling faculty duties and are independent of other guidelines for activity of individuals while on campus, such as university policies on drug use, etc. With the understanding that Touro University Nevada seeks to provide and sustain an environment conducive to education, scholarly exchange and faculty and student development, the following types of behavior are considered violations of the Code of Conduct and will result in disciplinary action:

1. The theft of, or damage to, University records and property caused by intentional, negligent or irresponsible conduct;
2. Unauthorized use of any university property, including, but not limited to, its name, property, offices, premises, and equipment (such as computer equipment, tools, medical supplies, telephones, cell phones, fax machines, copying equipment and laboratories);
3. Conduct which interferes with or obstructs any university functions or which physically obstructs or threatens to obstruct the operation, administration or proper functioning of the university, its employees and/or students;
4. Physical or sexual abuse or harassment of any member of the university community;
5. Threatening bodily injury, assault, sexual harassment or assault, or emotional trauma against students, faculty or staff of the university;
6. Unprofessional, noncollegial, disorderly, disruptive or abusive conduct in the classroom or on University premises and otherwise affecting Touro's reputation regardless of location;
7. Disorderly, disruptive or abusive conduct in the workplace or on university premises;
8. Refusal to follow the lawful rules, regulations or policies of the university whether in writing or verbally communicated;
9. Unauthorized sale, distribution or consumption of alcoholic beverages on university premises;
10. Distribution, purchase, or possession of illegal or unauthorized barbiturates, amphetamines, marijuana, hallucinogens, opiates or any other addictive or illegal drugs or paraphernalia on university premises;

11. Gambling in any form on university premises;
12. Possession, distribution or sale of weapons, incendiary devices or explosives on university premises;
13. Tampering with or misusing fire-fighting equipment and/or safety equipment (such as alarm boxes and extinguishers);
14. Participation in, or furtherance of any illegal activity on Touro's premises;
15. Knowingly providing false information to university supervisors or officials, including the falsification of information on any of the university's applications, time sheets or job records or false statements made to supervisors, officials or fellow faculty members;
16. Refusal to identify oneself to an official or security officer of the university or to present proper identification upon entering the university premises;
17. Accessing computer files or other university records without authorization or providing unauthorized access or information obtained through such access to other parties without appropriate authorization. The sharing of passwords or other information and the use of improper code (e.g. viruses) is expressly prohibited. Gaining access to computer files or other university records other than those to which the faculty member has authorization, or providing such access to other parties;
18. Offensive or derogatory written or verbal statements intended to inflict harm on members of the university community; including without limitations to racist, ethnic, religious or sexist remarks, slurs, references or discriminatory acts regarding any member or group of the university community including students, faculty, staff and employees;
19. Using racial, ethnic or religious slurs or discriminating against an employee or student. Any abusive conduct or harassment directed at an individual or group of individuals in the university community on the basis of the actual or perceived race, gender, color, national origin, ethnicity, religion, age, disability, sexual orientation, pregnancy, lactation or related medical conditions, military/veteran status, predisposing genetic characteristics, genetic information or testing, domestic violence victim status, stalking victim status, marital or parental status, or citizenship status of such person(s); or any other status protected by federal, state, or local laws;
20. Actions that are not supportive of the activities and functions of an educational institution; actions that harm the reputation of the university;
21. Aiding and abetting any conduct prohibited by the Code of Conduct;
22. Retaliation against any employee or student for reporting a violation of the Code of Conduct;
23. Intentionally filing a false complaint under the Code of Conduct;
24. Insubordination arising from the faculty member's covert or overt refusal to comply with a work directive given by a superior.

Individuals who violate any of the above regulations are subject to disciplinary action at the sole discretion of the university, up to and including, suspension without pay or termination of employment.

Sanctions Touro University Nevada

The Level that the violation of university policy is classified on is dependent on the nature of the offense and/or whether or not the student has had prior violations.

Level 1 Sanction:

Administrative and Educational Response:

1. Letter of warning and/or reprimand
2. Disciplinary probation
3. Completion of Bacchus program - or other online alcohol program approved by Dean of Students (within 10 days to two weeks)
4. Reflection Paper

Total Cost to Student:

1. \$35.00 approximately (cost is student's responsibility)
2. Meeting with the Dean of Students or other Student Conduct Code Officer

Level 2 Sanction:

Administrative and Educational Response:

1. Disciplinary probation
2. Deferred suspension
3. Suspension up to 24 months or expulsion from the Institution
4. Failure in a course and requiring the student to repeat the entire course/clerkship;
5. Completion of Alcohol II program such as The Substance Abuse Program
<https://www.lasvegasnevada.gov/Government/Municipal-Court/Municipal-Court-Resources>
 - a. \$225.00 online or in person approximately 8 hours
6. 8-10 page reflection paper
7. Indication of the disciplinary action in a letter of reprimand, in reference letters, licensure and regulatory forms, etc.

Total Cost to Student:

1. Depending on the current pricing of the course \$225 (cost is student's responsibility)
2. Tuition and other fees associated with repeating failed course

Level 3 Sanction:

Administrative and Educational Response:

1. Deferred suspension
2. Suspension
3. Dismissal
4. Indication of the disciplinary action in a letter of reprimand, in reference letters, licensure and regulatory forms, etc.
5. Notification of the violation to the other schools within the Touro College and University System;
6. 16 hour alcohol class (level 2) \$275.00 (or other appropriate online alcohol program approved by Dean of Students)

<http://www.ajnovickgroup.com/drug-alcohol-classes/16-hour-alcohol-minor-in-possession-drug-class.aspx>

Total Cost to Student:

1. Depending on the current pricing \$275 (cost is student's responsibility)
2. Potential financial aid penalties for alcohol or drug use (above and beyond losses for satisfactory academic progress)
3. Tuition and other fees associated with repeating failed course

Other Sanctions:

Other sanctions, as deemed just and proper. For example, repeat offenders may be subject to more stringent sanctions.

Enforcement Methods

The primary areas on campus that oversees, enforces, and mandates the alcohol and drug policies include the Division of Student Affairs', Dean of Students Office; Human Resource Department; and the Security office. For infractions involving employees, the Office of Human Resources handles interventions and/or sanctions. Reports of alleged violations might be received directly by any of these offices. The Dean of Students is responsible for conducting the review and reporting on the findings. Enforcement for employees is addressed through human resources.

Number of Violations

Violations of the TUN Student Conduct Code: There were no AOD policy related violations during the 2022-2023 and 2023-2024 academic years.

Employee violations of AOD polices: Human Resources reported there was one employee violation for AOD policies during the 2022-2023 and no violations in the 2023-2024 academic year.

Type and Number of Sanctions Administered for Violations

Students: There were no AOD policy related sanctions during the 2022-2023 and 2023-2024 academic years.

Employees: Human Resources reported that there was one employee sanction for the violation of AOD policies during the 2022-2023 academic year; employment was terminated. There were no sanctions for violations of AOD policies in the 2023-2024 academic year.

Number of requests for permission/authorization to serve alcohol on campus

There were no requests made by student groups to serve alcohol on campus.

AOD Comprehensive Program/Intervention Inventory and Related Process and Outcomes/Data

In alignment with The Drug Free Schools and Campuses Regulations (EDGAR Part 86) of the Drug-Free Schools and Communities Act (DFSCA), Touro University Nevada is committed to providing innovative alcohol and drug awareness programming to our campus community. The Alcohol and Other Drug Committee is responsible for bringing programming into the university for students, staff, and faculty. Below are examples of the programming efforts that occurred during the 2022-2023 and 2023-2024 academic year.

The Marijuana Series

Cannabis and the Law

08/17/2022 and 08/16/2023

We presented a series on Marijuana titled Cannabis and The Law. Amanda Connor, a cannabis law attorney, spoke to our community about some of the concerns associated with marijuana in the area of legal and clinical issues. The laws around marijuana recently changed in Nevada, and Ms. Connor spoke about both state and federal laws. Over 90 students, staff, and faculty attended these events.

Co-occurring Disorders

9/7/2022

We presented on the intersection of substance use disorders and mental health disorders. Stephanie Woodard, Psy.D., spoke to our community about concerns associated with any combination of the two disorders. Over 65 students, staff, and faculty attended this event.

Truth & Consequences: You, Your Patient, and Your License

9/27/2023

This presentation was centered around provider addiction and the laws surrounding physician licensure. Frank DiMaggio, Executive Director, Nevada State Board of Osteopathic Medicine gave an overview of requirements and penalties as well as recovery steps available to earn back your license if lost due to an addiction. Over 45 students, staff, and faculty attended this event.

Outreach 101

12/12/2023

Community Organization, HELP of Southern Nevada, and director, Louis Lacey, presented the history with outreach in our community as one of the first agencies to conduct comprehensive outreach. Also discussed were fundamental outreach principles, including what we do, where we conduct outreach and the tools and community resources we use. Eleven students, staff, and faculty attended this event.

The Opiate Series

Addiction 101

10/12/2022

The presentation described addiction epidemiology; addressing etiology, prevention, distribution and the natural history of substance use disorders. Chiante Jemison spoke on addiction, crisis intervention and holistic treatment approaches. Sixty-seven students, staff, and faculty attended the event.

Provider Burnout

12/07/2023

The presentation described addiction epidemiology; addressing etiology, prevention, distribution and the natural history of substance use disorders. Chiante Jemison spoke on addiction, crisis intervention and holistic treatment approaches. Sixty-seven students, staff, and faculty attended the event.

Diversity & Substance Abuse

11/09/2022

This discussion focused on the intersection of cultural identity and substance use including etiology, risk factors, barriers to treatment, and stigmas. Guest speaker, Brittany Farrow, discussed the importance of culturally competent care to improve patient experience and outcomes. Seventy-four students, staff and faculty attended the event.

Treatment Considerations-When EMDR may be the best option for treatment

01/04/2023

Guest speaker, Tabitha Johnson, spoke about EMDR as an option for the treatment of use disorders. EMDR can help clients overcome traumatic experiences that may have led to their use disorder. Thirty-two students, staff and faculty attended the event.

Decoding Psychedelic Diversity: Contrasting Mouse Behaviors, EEG Patterns, and Synaptic Alterations

02/29/2024

Guest speaker, Dr. Dustin Hines, discussed the history and stigma surrounding psychedelics and recent findings in what is called the second wave of the psychedelic's revolution and the benefits for mental health. Fifteen students, staff and faculty attended the event.

Signs of Hope, formerly Rape Crisis Center, Presentations-Your Space Series

03/01/2023, 03/08/2023, 03/15/2023, 03/22/2023

Presented by multiple speakers from Signs of HOPE

The program is four hours of interpersonal violence prevention training for medical/health professionals as a primer on recognizing signs of abusive behavior and ways to intervene in instances of violence to create safe communities and personal well-being.

The first event was Sexual Assault 101 =48 participants

The second event was Human Trafficking 101=80 participants

The third event was Sexual Violence and Trauma=64 participants
The fourth event was Active Bystander and Mandated Reporting=58 participants

03/06/2024, 03/13/2024, 03/20/2024, 04/04/2024
Presented by multiple speakers from Signs of HOPE
Sexual Assault 101=2 participants
Human Trafficking 101=4 participants
Trauma-informed Care/SANE Exam=3 participants
Active Bystander and Mandated Reporting=0 participants

Active Bystander Intervention, discussed the details of how the average person can prevent sexual violence from happening in the first place. Active bystander intervention was defined, and a discussion was led on barriers to intervening as well as ways to be an active bystander while preserving one's own safety.

Sexual Assault 101, included a discussion of the different forms of sexual violence. The legal definition of sexual assault was provided along with a conversation regarding consent versus coercion. Rape myths were addressed, resources were provided, and an idea of how to respond to someone who discloses sexual violence was discussed.

Human Trafficking 101, this introductory presentation helps attendees understand the nature and scope of human trafficking in our communities. Attendees have a better understanding of the dynamics of human trafficking, the tools used to recruit and maintain power and control over victims.

Sexual Violence and Trauma, this presentation builds on the participant's understanding of sexual violence and introduces the basic understanding of the trauma and its impacts on victims and survivors.

Coercion is NOT consent, what does it mean to have consent? Here we identified the elements of consent, what it is, what it isn't, and what it all really means for consent to be present.

Intimate Partner Violence, what does an abusive relationship look like, and how does it start? We explore the fundamental inequality and power dynamics that are at the heart of violence and unhealthy relationships.

In addition, Student Counseling Services (SCS) provides individual assessment and treatment of basic level AOD related issues. For more significant concerns, SCS provides referrals to off-campus treatment providers and agencies. The Student Health Center is also able to provide referrals to off-campus providers as needed.

For both students and employees, there is an Employee Assistance Program (EAP) available through Anthem that is accessible 24/7. Students and employees are able to obtain a free, anonymous consultation. Anthem EAP services specifically include addiction and recovery

services. Four free counseling sessions are available to students and employees. Referral services are also included.

AOD Comprehensive Program Goals and Objectives for Biennium Period Being Reviewed/AOD Goal and Objective Achievement

The previous biennium review set a goal of implementing more frequent and consistent AOD Committee meetings to continue the efforts of bringing new, interesting, and educational topics relevant to the campus community. The AOD Committee met monthly and included participation from all areas of the university. The AOD Committee will continue to maintain the diversity of membership.

A second goal of the previous biennial review was to develop and implement a marketing plan for campus AOD programs and resources. Posters for events are electronic versions and are posted throughout campus on electronic announcement boards. Campus groups that support our events also advertise on social media. The use of a flyer with monthly events and email notifications for the entire campus were not distributed consistently.

A third goal was to expand and refine the list of topics and presentations. This biennium we have moved to an A/B plan. Presentations that were patient-focused were presented to the campus community in the 2022-2023 academic year. Presentations that were provider-focused were presented to the campus community during the 2023-2024 academic year.

A fourth goal was to continue to provide a certificate for participation. Students continue to have the opportunity to earn a certificate by attending a targeted number of presentations. Students can include the earned certificate on their resumes and increase ownership of alcohol and drug prevention. We continue to track attendance to our events using Campus Groups software.

AOD SWOT/C Analysis

Policy Review

Strengths.

- Policies are designed to address a range of behaviors.
- Sanctions are hierarchical and structured but flexible.
- Policies are designed to contribute to campus wide safety.
- Policies are well communicated to the university community.
- Information is available in several formats and in a number of locations.

Weaknesses.

- AOD Committee monthly meetings were not as well attended as preferred.

Opportunities.

- Formalize biennial review process.

Threats/Challenges.

- Legalization of marijuana in Nevada.

Program/Intervention Review

Strengths.

- Programming is diverse, interesting, and educational to the community.
- Survey feedback on programming has been positive.
- TUN has successfully created partnerships with community organizations such as Signs of HOPE and Nevada Highway Patrol.
- TUN provides alcohol free recreational and social activities for students.
- The AOD Committee partners with a student run organization, Neurology and Psychiatry Student Interest Group (NPSIG) as cosponsors of events.
- Staff and faculty are involved in both attending and participating in events.
- SAP availability to students.
- EAP availability to students as well as staff and faculty.

Weaknesses.

- There is limited data on staff and faculty alcohol and drug use or prevention needs.
- There is limited manpower to implement all components of good programming including advertising and post surveys.
- Due to changes in advertising policies, there was limited attendance to programming in the 2023-2024 academic year.

Opportunities.

- New relationships are being forged with community partners to increase the diversity of programming.

- Programs could be specifically paired with student organizations based on topic area and interest focus.
- Increase the use of technology and social media in advertising and programming.

Threats/Challenges.

- The medical community places stigma on reporting alcohol and drug issues among their own professionals.
- Students, staff, and faculty may have fears regarding the impact of drug and alcohol issues on licensure.
- Funding for new programs is limited.
- Substance abuse intervention and mental health treatment accessibility is the lowest in Nevada of all states.

Recommendations for Next Biennium/Goals and Objectives for Next Biennium

1. Continue the work of the campus wide AOD Committee.

During this review period, meetings of the TUN AOD Committee occurred monthly. AOD Committee meetings were not consistently attended by all areas of the university. did not occur with regular frequency. The goal for this upcoming review period is to meet at least once a month and increase participation from various departments on campus. Efforts will be made to maintain and increase participation within the AOD Committee from all areas of the university.

2. Develop and implement a consistent marketing plan for campus AOD programs and resources.

This plan has been modified. The use of electronic advertisement on electronic boards around campus continues. The implementation of a monthly flyer and dissemination through email to the entire campus did not occur consistently during this biennium review. The AOD Committee will collaborate with the Director of Student Involvement and the Dean of Students for consistent dissemination of AOD programs and resources.

3. Continue to expand and refine the list of topics and presentations.

The AOD Committee will continue to request feedback from student representatives regarding interest in topics and presentations. Suggestions will be compiled to determine themes or subjects that might be more relevant to students, staff, and faculty. The AOD Committee will continue to partner with outside community members to meet presentation requests.

4. Continue to target programming specifically for students.

TUN students are primarily in medical/health-based programs. As future health intervention providers, they offer a unique opportunity to impact the greater community. By educating students during their formative training, they are more likely to be knowledgeable and sensitive practitioners to their own patients. The goal would be to provide them with targeted programs to increase this awareness as future practitioners.

5. Continue to provide a certificate for participation.

The AOD Committee has created a certificate-based program for students and employees attending a targeted number of presentations. By earning a certificate, students will also have an opportunity to build their resumes and increase ownership over alcohol and drug prevention. We have refined the process of tracking attendance at events with the use of Campus Groups software. This program allows students to track their own progress towards earning the certificate. This may encourage students and employees to attend more workshops and presentations.

6. Continue to address the legalization of marijuana in Nevada.

Marijuana has been legal in the State of Nevada since July 1, 2017. Students continue to have questions about the impact of legalization on their personal and professional lives.

Conclusion

TUN is committed to the process of improving general safety for our campus and general community at large. As part of this process, TUN has developed policies limiting alcohol and drug use by students, staff, and faculty on campus and in training/learning situations. In addition, TUN created the Alcohol and Other Drug Committee to facilitate programming, education, and data collection regarding alcohol and drug use. This committee is comprised of students, staff, and faculty from all areas of the university and is dedicated to providing innovative and educational programming for the campus. We recognize the responsibility of educating our future health providers in guarding both personal and future patient health and well-being.

The AOD Committee has been successful in ramping up programming for the TUN community. Policies are distributed to all members of the university regularly and are readily available at any time. Goals for the next biennial review will capitalize and expand on these strengths.

Appendix A: Email Notifications

Sent 9/20/2022 and 8/15/2023

To: everyone@listserv.tun.touro.edu

Subject: Drug-Free Schools and Communities Act and Drug-Free Workplace Act

Dear University Community,

The Drug-Free Workplace Act and the Drug-Free Schools and Communities Act Amendments require all schools and institutions of higher education to adopt and implement a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees.

The link below, which is part of TUN's program adopted to comply with these Acts, is being distributed to you as required by law. If you have any questions regarding the information on this link or wish to receive further information on the university's Drug-Free Schools and Communities Act and Drug-Free Workplace Act program, you are encouraged to contact Dr. Philip Tompkins, Dean of Students, or Ms. Tammy Plutz, Director of Human Resources.

<https://tun.touro.edu/administration/drug-free-schools-communities-and-workplace/>

Sincerely,

Tammy Plutz, M.Ed, PHR, SHRM-CP
Director of Human Resources

Philip J. Tompkins, Ed.D.
Dean of Students

Appendix B: Additional Alcohol and Drug Free Campus Information Resources

Drug Abuse and Addiction Information and Treatment Centers

Las Vegas

- Adelson Clinic for Drug Abuse Treatment & Research Inc. 702.735.7900
- WestCare Community Triage Center 702.385.3330
- American Addiction Center 702.509.7438
- Desert Hope 702.903.4332-admissions
- Vogue Recovery Center 702.861.8061
- Center for Behavioral Health 702.636.0085
- Crossroads of Southern Nevada 702.382.7746
- Desert Parkway Behavioral Healthcare Hospital 877.663.7976
- Desert Winds Hospital 702.522.7922
- Foundation for Recovery 702.257.8199
- Freedom Behavioral Health 702.485.1300
- Harmony Healthcare 800.363.4874
- Help of Southern Nevada 702.369.4357
- Las Vegas Comprehensive Treatment Center 702.840.3586
- The Nestled Recovery Center 702.299.6406
- Sierra Sage Recovery Services 702.880.8231
- Vegas Treatment Center 702.463.7719

North Las Vegas

- Center for Behavioral Health 702.399.1600

Henderson

- ABC Therapy (702) 568-5971
- Desert Treatment Clinic (702) 248-0000
- Henderson Comprehensive Treatment Center (725) 696-9673
- Seven Hills Hospital (702) 947-2650
- WestCare Harris Springs Ranch (702) 385-2090

EMPLOYEE ASSISTANCE PROGRAM

All employees and students are covered under our Employee Assistance Program (EAP). The EAP program is voluntary and confidential. It is available to you and your household members. Services are available 24 hours a day, seven days a week.

The EAP program is a resource that can assist with a variety of issues including:

- Marital/relationship or family problems
- Alcohol or drug issues
- Feelings of overwhelming loss or grief
- Financial concerns
- Depression or anxiety

- Legal concerns
- Elder care or childcare
- Times of crisis or difficulty

If there are any questions regarding the EAP program, the employee or student should contact Human Resources

Appendix C: Crime Statistics

TOURO UNIVERSITY NEVADA				
CRIME CATEGORY	CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Primary Crimes	Murder/Non-Negligent Manslaughter	2021	0	0
		2022	0	0
		2023	0	0
	Negligent Manslaughter	2021	0	0
		2022	0	0
		2023	0	0
	Robbery	2021	0	0
		2022	0	0
		2023	0	0
	Aggravated Assault	2021	0	0
		2022	0	0
		2023	0	0
	Burglary	2021	0	0
		2022	0	0
		2023	1	0
Motor Vehicle Theft	2021	1	0	
	2022	1	0	
	2023	1	0	
Arson	2021	0	0	
	2022	0	0	
	2023	0	0	
Sex Offenses	Rape	2021	0	0
		2022	0	0
		2023	0	0
	Fondling	2021	0	0
		2022	0	0
		2023	0	0
	Incest	2021	0	0
		2022	0	0
		2023	0	0
Statutory Rape	2021	0	0	
	2022	0	0	
	2023	0	0	

TOURO UNIVERSITY NEVADA				
CRIME CATEGORY	CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
VAWA Offenses	Dating Violence	2021	0	0
		2022	0	0
		2023	0	0
	Domestic Violence	2021	0	0
		2022	0	0
		2023	0	0
	Stalking	2021	0	0
		2022	0	0
		2023	1	0
Arrests	Liquor Law Violations	2021	0	0
		2022	0	0
		2023	0	0
	Drug Abuse Violations	2021	0	0
		2022	0	0
		2023	1	0
	Illegal Weapons Possession	2021	0	0
		2022	0	0
		2023	1	0
Disciplinary Referrals	Liquor Law Violations	2021	0	0
		2022	0	0
		2023	0	0
	Drug Abuse Violations	2021	0	0
		2022	0	0
		2023	0	0
	Illegal Weapons Possession	2021	0	0
		2022	0	0
		2023	0	0
NOTES: One hate crime (vandalism) based on religion was reported on campus in 2021. There were no unfounded crimes in 2021, 2022, or 2023.				

Appendix D: Examples of Legal Sanctions: Federal and State of Nevada

Federal Trafficking Penalties				
Drug/Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500-4999 gms mixture	<p>First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs. and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	5 kgs or more mixture	<p>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Not less than 25 yrs. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
Cocaine Base (Schedule II)	28-279 gms mixture		280 gms or more mixture	
Fentanyl (Schedule II)	40-399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10-99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100-999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1-9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5-49 gms pure or 50-499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10-99 gms pure or 100- 999 gms mixture	100 gms or more pure or 1 kg or more mixture		

PENALTIES		
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>
Flunitrazepam (Schedule IV)	1 gm	<p>First Offense: Not more than 10 yrs. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. if death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>
Other Schedule III drugs	Any amount	<p>First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>
All other Schedule IV drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>
All Schedule V drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

DRUG	QUANTITY	1ST OFFENSE	2ND OFFENSE*
Marijuana (Schedule 1)	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, not less than 20 years, not more than life • Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 15 years, not more than life • If death or serious injury, mandatory life imprisonment. • Fine not more than \$20 million if an individual, \$75 million
Marijuana (Schedule 1)	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> • Not less than 5 years, not more than 40 years • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$5 million if an individual, \$25 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, mandatory life imprisonment. • Fine not more than \$8 million if an individual, \$50 million if other than an individual
Marijuana (Schedule 1)	more than 10 kgs hashish; 50 to 99 kg mixture More than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> • Not less than 20 years • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$1 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 30 years • If death or serious injury, mandatory life imprisonment • Fine \$2 millions if an individual, \$10 million if other than an individual
Marijuana (Schedule 1)	Less than 50 kg marijuana (does not include 50 or more plants regardless of weight); 1 to 49 plants	<ul style="list-style-type: none"> • Not more than 5 years • Fine not more than \$250,000, \$1 million if other than an individual 	<ul style="list-style-type: none"> • Not more than 10 years. • Fine \$500,000 if an individual, • \$2 million if other than individual.
Hashish (Schedule 1)	10 kg or less		
Hashish Oil (Schedule 1)	1 kg or less		

The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is not less than 25 years imprisonment and a fine up to \$20 million if an individual and \$75 million if other than an individual

Appendix E: DUI Statutes and Penalties

NRS 484C.220 Seizure of license or permit; order of revocation; administrative and judicial review; temporary license; sufficiency of notice. [Effective until the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]

1. As agent for the Department, the officer who requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who failed to submit to a test requested by the police officer pursuant to NRS 484C.160 or who has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 678C.080, if that person is present, and shall seize the license or permit to drive of the person. The officer shall then, unless the information is expressly set forth in the order of revocation, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. The officer shall also, unless the information is expressly set forth in the order of revocation, advise the person that he or she is required to install an ignition interlock device pursuant to NRS 484C.210. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.
2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 678C.080, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, if any, a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle:

- a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 678C.080, as determined by a chemical test; or
 - b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test. The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.
3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order must also state whether the person is required to install an ignition interlock device pursuant to NRS 484C.210. The order of revocation becomes effective 5 days after mailing.
4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

NRS 484C.230 Hearing by Department; additional temporary license; judicial review; cancellation of temporary license. [Effective until the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]

1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted as soon as is practicable at any location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means. The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which

is sufficient to complete the administrative review. A person who is issued a temporary license is not subject to and is exempt during the period of the administrative review from the requirement to install an ignition interlock device pursuant to NRS 484C.210.

2. The scope of the hearing must be limited to the issue of whether the person:
 - a) Failed to submit to a required test provided for in NRS 484C.160; or
 - b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 678C.080.

Upon an affirmative finding on either issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, permit or privilege to drive has been revoked shall, if not previously installed, install an ignition interlock device pursuant to NRS 484C.210.
4. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review. A person who is issued a temporary license is not subject to and is exempt during the period of the judicial review from the requirement to install an ignition interlock device pursuant to NRS 484C.210.
5. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

NRS 484C.250 Admissibility of results of blood test in hearing or criminal action; immunity from liability for person administering blood test in certain circumstances.

1. The results of any blood test administered under the provisions of NRS 484C.160 or 484C.180 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 unless:
 - a) The blood tested was withdrawn by a person, other than an arresting officer, who:
 - i. Is a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

- ii. Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and
 - b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.
2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.
 3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

NRS 484C.400 Penalties for first, second and third offenses; segregation of offender; intermittent confinement; consecutive sentences; aggravating factor.

1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.394 or 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:
 - a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:
 - i. Except as otherwise provided in subparagraph (4) of this paragraph or subsection 3 of NRS 484C.420, order the person to pay tuition for an educational course on alcohol or other substance use disorders approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;
 - ii. Unless the sentence is reduced pursuant to NRS 484C.320:
 1. Sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail or residential confinement for not less than 2 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive; or
 2. Order the person to perform not less than 48 hours, but not more than 96 hours, of community service;
 - iii. Fine the person not less than \$400 nor more than \$1,000; and
 - iv. If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for an alcohol or other substance use disorder pursuant to the provisions of NRS 484C.360.
 - b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:

- i. Sentence the person to:
 1. Imprisonment for not less than 10 days nor more than 6 months in jail; or
 2. Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;
- ii. Fine the person not less than \$750 nor more than \$1,000, or order the person to perform an equivalent number of hours of community service; and
- iii. Order the person to attend a program of treatment for an alcohol or other substance use disorder pursuant to the provisions of NRS 484C.360.

A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

- c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and the court:
 - i. Shall:
 1. Sentence the person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; and
 2. Fine the person not less than \$2,000 nor more than \$5,000; and
 - ii. May order the person to attend a program of treatment for an alcohol or other substance use disorder pursuant to the provisions of NRS 484C.360 if the results of an evaluation conducted pursuant to NRS 484C.300 indicate that the person has an alcohol or other substance use disorder and that the person can be treated successfully for his or her condition.

An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:
 - a) When evidenced by a conviction; or
 - b) If the offense is conditionally dismissed or the judgment of conviction is set aside pursuant to NRS 176A.240, 176A.260 or 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.
4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.
5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.
6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded. As used in this section, unless the context otherwise requires, "offense" means:
 - a) A violation of NRS 484C.110, 484C.120 or 484C.430;
 - b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or
 - c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

DRIVING UNDER THE INFLUENCE OF ALCOHOL

Nevada laws on driving under the influence (DUI) of alcohol or drugs are tough. Under these laws, there are two types of penalties:

- Administrative: Action taken against a driver by the Nevada Department of Motor Vehicles regardless of the court findings
- Criminal: Action taken by the court system

Under Nevada's new Implied Consent Law, if an officer suspects you are driving under the influence, you will be asked to take blood, breath, urine, or other bodily substance tests. If you fail to submit to these tests, then your license, permit, or privilege to drive will be revoked pursuant to NRS 484C.220 and you are not eligible for a license, permit or privilege to drive for a period of one year for first offense, or three years if your driving privilege has been revoked in the prior 7 years for failure to submit to the officer-directed test.--NRS 484C.210 An officer may also direct that blood samples be drawn, even on a first offense. NRS 484C.160

Under Nevada's Illegal Per Se Law, if chemical tests show **an alcohol concentration of .08%**

or more or any detectable amount of a controlled substance, **your driving privilege will be revoked**. If you are **under the age of 21** and a chemical test shows **an alcohol concentration of .02%, but less than .08%**, your driving privilege will be suspended. This is an administrative penalty and the officer can take your license immediately. NRS 484C.210; NRS 484C.220; NRS 483.461

Note: Even though an alcohol concentration of .08% is used as a guide, you can be arrested and convicted with a lower level.

Anytime you lose your license pursuant to NRS 484C.220, you can ask for an administrative hearing through the Department of Motor Vehicles. NRS 484C.230

Penalties for DUI Administrative - Illegal Per Se Action

.08% alcohol concentration or detectable amount of controlled substance in your blood Driver's license is **revoked for 185 days** — NRS 484C.210

.02% alcohol concentration for drivers under 21 years of age Driver's license is **suspended for 90 days** — NRS 483.461

Criminal Action

First DUI offense: — Driver's license revoked for 185 days. NRS 484C.400

Misdemeanor -After half the revocation period has been completed, a restricted license may be issued. — Jail sentence or residential confinement of 2 days to 6 months or 48 to 96 hours of community service — Fine of \$400 to \$1,000 — Payment of tuition for DUI school (average cost \$150)

Required installation of ignition interlock device for 185 days, at the driver's cost — May be ordered to attend a program of treatment when the concentration of alcohol in your blood or breath is .18% or more.

Second DUI offense within 7 years: — Driver's license revoked for 1 year; NRS 484C.400; NRS 483.460

Misdemeanor —not eligible for restricted license — **Jail sentence or residential confinement of 10 days to 6 months**

— **Fine of \$750 to \$1,000**

—**100 to 200 hours of community service** — Possible vehicle registration suspension

—May be ordered to attend a program of treatment or be placed under clinical supervision of a treatment facility for up to one year — Required installation of ignition interlock device for 1 year, at the driver's expense

Subsequent DUI offense within 7 years: — Driver's license revoked for 3 years. NRS 484C.400; NRS 483.460

Category B Felony — A restricted license may be issued —

Prison sentence of 1 to 6

years Fine of \$2,000 to \$5,000

- Possible vehicle registration suspension
- May be ordered to attend a program of treatment for a minimum of 3 years

DUI causing death or serious injury: — Driver’s license revoked for 3 years NRS 484C.400; NRS 483.460

- **Prison sentence of 2 to 20 years**
- **Fine of \$2,000 to \$5,000**
- **Required installation of ignition interlock device for 3 years, at the driver's expense —**
- May be required to attend a treatment program**

DUI Laws for Young Drivers

A licensed driver under the age of 18 found by juvenile court to have been **driving under the influence of alcohol** or a controlled substance will have his or her **license suspended for 90 or 185 days**. NRS 62E.630; NRS 62E.640

A driver under the age of 18 who is found by juvenile court to have been driving under the influence, or a driver under the age of 21 who is convicted of a DUI, will be required by the **court to undergo evaluation for alcohol or drug abuse**. Based on the evaluation report, the judge may order alcohol or drug treatment for the offender. NRS 62E.620; NRS 484C.350

Nevada’s open container law makes it **illegal to have alcoholic beverages which have been opened in the driver or passenger areas when a vehicle is being driven**. NRS 484B.150

If you are found guilty of a DUI offense and you had passengers under the age of 15 in the vehicle you were driving, the court will consider that as an aggravating factor in determining your sentence. NRS 484C.400

If you plead guilty or are found guilty of DUI (alcohol or drugs) and a chemical test was conducted, the court will impose an additional \$60 fine to cover the costs of the chemical analysis. NRS 484C.510; NRS 488.440

Appendix F: Health Risks of Alcohol and Drugs

Alcohol

Drinking alcohol can be dangerous. Even minimal amounts of alcohol can impair the judgment needed to drive a car safely. Drinking too much may cause vitamin and mineral deficiencies. Over time, alcohol abuse may cause bleeding from the intestinal tract, damage to the nerves and the brain, psychotic behavior, loss of memory and coordination, damage to the liver, often resulting in cirrhosis, impotence, severe inflammation of the pancreas and damage to bone marrow, heart, testes, ovaries, and muscles. Damage to the nerve and organ tissue is usually irreversible.

Drugs

The use of illicit drugs usually causes the same general types of physiological and mental changes as alcohol though frequently those changes are more severe and more sudden. Death or coma resulting from overdose of drugs is more frequent than from alcohol. These include cocaine, amphetamines, heroin, crack, crystal methamphetamines, hallucinogens or psychedelics, depressants, ecstasy, Ritalin, GHB, solvent inhalants, other opiates and marijuana. Other symptoms from using these substances include, but are not limited to shock, depressed respiratory function, hallucinations, psychotic behavior, social isolation, drastic mood changes, brain chemical changes, weakened immune system, irregular menstrual cycles in females, reduced fertility and sex drive, insomnia, irritability, and/or dependence.

In addition to the adverse effects associated with the use of drugs, intravenous drug users who use unsterilized needles or who share needles with other drug users are at high risk of contracting the HIV virus, hepatitis, lock jaw, and infections of the heart. Permanent brain damage may also result.

Appendix G: TUN Annual Security Report

The TUN ASR (Annual Security Report) is published annually and available online on the TUN

<https://tun.touro.edu/administration/campus-operations/campus-security/>

Current and prospective students may request a paper copy by contacting Campus Security at 702-358-6701. The following information is derived from this report.

TUN's Security Department (aka Campus Safety) is committed to providing a safe learning environment for all members of our University community. As part of our ongoing effort, we also recognize that safety begins with each one of us. The success of our campus safety programs is directly tied to community involvement. All faculty, students, and staff need to be alert and understand the basic facts about security and safety. We need to take preventive measures to ensure our safety.

Touro University Nevada has employed professional security guards to maintain and monitor security at its campus. Security personnel are carefully screened before being assigned to Touro University Nevada and supervised to ensure quality assurance.

Security Officers respond to emergency calls for service, enforce regulations, and assist in security building inspections and in fire prevention.

Security Officers may detain, but not arrest, individuals who engage in illegal and criminal actions until Henderson City Police Officers arrive and/or Local Law Enforcement agencies arrive. They are empowered to enforce Touro's regulations, to investigate incidents, and to apprehend those who violate Touro regulations or commit crimes on campus. Criminal violators that are apprehended are turned over to the Henderson Police Department and/or Local Law Enforcement.

Our Security Captain meets regularly with Police Commanders and community organizations to help ensure the safest environment for our campus community.

It is TUN's Campus Security policy to work in conjunction with all state and federal law enforcement agencies, local police agencies, and emergency management organizations when applicable. In the event that a serious crime or death was to occur, TUN Security is mandated to notify the proper law enforcement agencies. The county in which the crime took place would then either assume responsibility or delegate its authority to another agency to investigate the criminal matter or prescribe action to be taken.

In addition, TUN works closely with the City of Henderson Police Department. All individuals, whether they belong to the University community or not, are subject to all federal, state, and local laws while on the TUN campus and may be subject to criminal charges when applicable, even for first offenses.

All members of the TUN community are encouraged to report any criminal activity, suspicion of criminal activity, accidents, and other emergencies to the TUN Security Department and the local Police Department as soon as possible, when the victim of a crime elects to report or is unable to make such a report. Reports should be made promptly and accurately. While the institution does not have a policy on victims or witnesses being able to report a crime in a voluntary confidential manner, whenever possible, the identity of the complainant will be kept confidential, if requested. Pastoral and or professional counselors are not able offer a voluntary confidential reporting option of a crime to students that they meet with one on one.

TUN Security informs complainants of all the options available to them through the University, as well as with local, state, and federal agencies for dealing with offenses committed against them. If assistance is required in completing and/or reporting an incident/occurrence to local law enforcement agencies, TUN Security will be glad to render any assistance needed. TUN does not have any recognized student organizations with off campus locations.

TUN Security Department maintains a daily crime log that records, by the date the incident was reported, all crimes and other serious incidents that occur on campus, in a non-campus building or property, on public property, or within the department's patrol jurisdiction. The daily crime log is available for public inspection at 874 American Pacific Drive, Henderson, NV 89014 from the Security Supervisor. The crime log includes the nature of the crime, the date, the time and the general location in which each crime was reported to the department, as well as the disposition of the complaint (if known). The department is obliged to post new incidents into the daily crime log within two business days of receiving the report unless in doing so it will hinder an open investigation in which case that incident will get posted once the investigation has been deemed closed.

The following educational programs are sponsored each year by the Student Activities and Student Health Offices for all TUN Students, Faculty and Staff:

- Health Series Primary Prevention Programs
- Marijuana and The Law
- The safe driver program
- Signs of HOPE: Healthy relationships, rape, acquaintance rape, dating violence, domestic violence, sexual assault, stalking, and active bystander training
- Sexual Assault 101
- Domestic and Dating Violence Primary Prevention
- Intimate Partner Violence Primary Prevention program
- Presentations by the Title IX Coordinator (or designee)
- Evacuation Drills and programs
- Safety programs
- TUN's Orientation program

TUN is committed to increasing awareness of and preventing violence. All incoming students and new employees are provided with programming strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, staking before it occurs,

that includes a clear statement that prohibits such acts, their definitions, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents. Specifically, new students will complete an online program through Vector Solutions that covers these important topics. Ongoing prevention and awareness campaigns are also offered throughout the year as noted above.

The University also offers information and resources relating to preventing sexual violence and sexual harassment through the Title IX Coordinator's office and the Student Counseling Services. Those with questions about preventing sexual assault should get a copy of a handout entitled "Preventing Sexual Assault", which can be found in the Division of Student Affairs Main office.