

(Reprinted with amendments adopted on April 20, 2021)

FIRST REPRINT

A.B. 384

ASSEMBLY BILL NO. 384—ASSEMBLYMEN TORRES, NGUYEN, DURAN, GORELOW, PETERS; ANDERSON, BILBRAY-AXELROD, BROWN-MAY, CONSIDINE, GONZÁLEZ, HARDY, LEAVITT, MARZOLA AND TOLLES

MARCH 23, 2021

Referred to Committee on Education

SUMMARY—Revises provisions governing sexual misconduct in institutions of the Nevada System of Higher Education. (BDR 34-939)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Nevada System of Higher Education; authorizing the Board of Regents of the University of Nevada to provide for the development of a climate survey on sexual misconduct and require the institutions within the System to administer the survey to students; authorizing the imposition of additional requirements for the grievance process for sexual misconduct at an institution within the System; authorizing the Board of Regents to require each institution within the System to adopt a policy on sexual misconduct, enter into a memorandum of understanding with certain organizations and local law enforcement agencies and designate an advocate; prohibiting an institution within the System from imposing certain sanctions on certain students; authorizing the Board of Regents to require an institution within the System to take certain actions regarding a report of an alleged incident of sexual misconduct; providing for certain training and programming related to sexual misconduct; authorizing a student who has experienced sexual misconduct to request a waiver from certain requirements of scholarships or academic activities; authorizing the Board of Regents to require an annual report from institutions within the System on certain information relating to sexual misconduct; authorizing the Board of Regents to adopt regulations; making certain information relating to incidents of sexual misconduct confidential; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing federal law prohibits discrimination based on sex in programs or
2 activities of education that receive federal funding. (Title IX of the Education
3 Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106) Under
4 existing federal regulations, an institution of higher education that receives federal
5 funding must follow a grievance process that complies with Title IX to address
6 formal complaints that allege an incident of sexual harassment that occurs in
7 relation to an education program or activity of the institution, including, without
8 limitation, incidents that occur on or off a campus of the institution. (34 C.F.R. §§
9 106.44, 106.45) This bill generally expands the protections provided by Title IX.

10 **Sections 2.3-11** of this bill define relevant terms. **Section 12** of this bill
11 authorizes the Board of Regents of the University of Nevada, to the extent that
12 money is available, to appoint researchers employed at an institution within the
13 Nevada System of Higher Education to develop a climate survey on sexual
14 misconduct. **Section 13** of this bill authorizes the Board of Regents, to the extent
15 that money is available, to require an institution within the System to conduct a
16 climate survey on sexual misconduct and **section 14** of this bill sets forth the duties
17 of the Board of Regents regarding the climate survey.

18 **Section 15** of this bill authorizes the Board of Regents to require an institution
19 to meet certain requirements related to the grievance process of the institution.

20 **Section 16** of this bill authorizes the Board of Regents to require an institution
21 within the System to adopt a policy on sexual misconduct and sets forth certain
22 requirements related to the adoption of the policy. **Section 17** of this bill prescribes
23 the information that must be included in a policy on sexual misconduct, if such a
24 policy is required to be adopted by an institution.

25 **Section 17.5** of this bill authorizes the Board of Regents to require an
26 institution to enter into a memorandum of understanding with a local law
27 enforcement agency relating to the prevention of and response to alleged incidents
28 of sexual misconduct and sets forth the provisions that must be included in the
29 memorandum of understanding.

30 **Section 18** of this bill authorizes the Board of Regents to require an institution
31 to enter into a memorandum of understanding with an organization that assists
32 victims of sexual misconduct and sets forth the provisions that may be included in
33 such a memorandum of understanding.

34 **Section 19** of this bill authorizes the Board of Regents to require an institution
35 within the System to designate an advocate for parties to alleged incidents of sexual
36 misconduct and provide training to the advocate. **Section 20** of this bill sets forth
37 the duties of the advocate if such an advocate is designated by an institution. Under
38 existing law, certain communications between a victim and a victim's advocate are
39 deemed to be confidential. (NRS 49.2546) Existing law defines a victim's advocate
40 as a person who works for certain programs that provide assistance to victims of
41 certain acts. (NRS 49.2545) **Section 38** of this bill includes the provision of
42 services pursuant to **sections 2-32** of this bill to victims of sexual misconduct in the
43 definition of victim's advocate.

44 **Section 21** of this bill prohibits an institution within the System from
45 sanctioning a complainant or witness for violating a policy of student conduct that
46 occurred during or related to an alleged incident of sexual misconduct.

47 **Section 22** of this bill authorizes the Board of Regents to require an institution
48 within the System to provide training on the grievance process of the institution to
49 certain employees. **Section 23** of this bill authorizes the Board of Regents to
50 require an institution within the System to provide programming on the awareness
51 and prevention of sexual misconduct to students and employees of the institution.

52 **Section 24** of this bill authorizes the Board of Regents to require an institution
53 within the System to determine the responsibility of a respondent to an alleged
54 incident of sexual misconduct based on a preponderance of the evidence.



55 **Section 26** of this bill sets forth the requirements for conducting an investigation.
56 **Section 25** of this bill authorizes the Board of Regents to require an institution
57 within the System to consider a request from a complainant who is at least 18 years
58 of age to keep the identity of the complainant confidential unless state or federal
59 law requires disclosure or further action. **Section 28** of this bill authorizes an
60 institution to issue a no-contact directive in certain circumstances.

61 **Section 29** of this bill authorizes a student who has experienced sexual
62 misconduct to request a waiver from certain requirements of various scholarships or
63 academic activities. **Sections 33-37** of this bill make conforming changes related to
64 such a waiver. **Sections 33-37** make conforming changes for a student who has
65 been granted such a waiver.

66 **Section 30** of this bill authorizes the Board of Regents to require an institution
67 within the System to submit an annual report on certain information relating to
68 sexual misconduct. **Section 30** also requires the Board of Regents to compile the
69 reports and submit the compilation to the Director of the Department of Health and
70 Human Services and to the Legislature or Legislative Committee on Education.

71 **Section 32** of this bill authorizes the Board of Regents to adopt regulations.

72 **Section 38.5** of this bill makes certain information generated pursuant to a
73 climate survey on sexual misconduct and the annual report on sexual misconduct
74 by an institution within the system confidential. (NRS 239.010)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 396 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 32, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 32 of this act, unless the*
5 *context otherwise requires, the words and terms defined in*
6 *sections 2.3 to 11, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 2.3.** *“Complainant” means a student or employee of an*
9 *institution within the System who is alleged to be the victim of*
10 *conduct that could constitute sexual misconduct.*

11 **Sec. 2.7.** *“Dating violence” has the meaning ascribed to it in*
12 *34 U.S.C. § 12291(a).*

13 **Sec. 3.** *“Domestic violence” has the meaning ascribed to it in*
14 *34 U.S.C. § 12291(a).*

15 **Sec. 4.** *“Reporting party” means a person who reports an*
16 *alleged incident of sexual misconduct to the institution.*

17 **Sec. 5.** *“Respondent” means a person who has been reported*
18 *to be the perpetrator of conduct that could constitute sexual*
19 *misconduct.*

20 **Sec. 6.** *“Sexual assault” has the meaning ascribed to it in 20*
21 *U.S.C. § 1092(f)(b)(A)(v).*

22 **Sec. 7.** *“Sexual harassment” means conduct on the basis of*
23 *sex, whether direct or indirect, implicit or explicit, verbal or*



1 *nonverbal or in person or via virtual or electronic means, that*
2 *includes one or more of the following:*

3 *1. An employee of an institution within the System*
4 *conditioning the provision of an aid, benefit or service of the*
5 *institution or the terms, conditions or privileges of the*
6 *participation of a person in the education programs or activities of*
7 *the institution on the person's participation in unwelcome sexual*
8 *conduct, including, without limitation:*

- 9 (a) *A sexual advance;*
10 (b) *A request for sexual favors; or*
11 (c) *Other conduct of a sexual nature.*

12 *2. Unwelcome conduct determined by a reasonable person to*
13 *be sufficiently severe, pervasive and objectively offensive that it*
14 *effectively denies a person equal access to the education programs*
15 *or activities of an institution within the System.*

16 *3. Sexual assault, dating violence, domestic violence or*
17 *stalking.*

18 **Sec. 8.** *“Sexual misconduct” means dating violence,*
19 *domestic violence, gender-based violence or harassment, violence*
20 *based on sexual orientation, gender identity or gender expression,*
21 *sexual assault, sexual harassment or stalking.*

22 **Sec. 9.** *“Stalking” has the meaning ascribed to it in 34*
23 *C.F.R. § 106.30.*

24 **Sec. 10.** *“Supportive measures” has the meaning ascribed to*
25 *it in 34 C.F.R. § 106.30.*

26 **Sec. 11.** *“Trauma-informed response” means a response*
27 *involving an understanding of the complexities of sexual*
28 *misconduct, including, without limitation:*

- 29 *1. Perpetrator methodology;*
30 *2. Conducting an effective investigation;*
31 *3. The neurobiological causes and impacts of trauma; and*
32 *4. The influence of social myths and stereotypes surrounding*
33 *the causes and impacts of trauma.*

34 **Sec. 12.** *1. To the extent that money is available, the Board*
35 *of Regents may appoint researchers employed at one or more*
36 *institutions within the System to develop a climate survey on*
37 *sexual misconduct designed to be administered at an institution*
38 *within the System. The climate survey on sexual misconduct must:*

- 39 (a) *Provide institution-specific data regarding the prevalence*
40 *of gender-based harassment and discrimination;*
41 (b) *Be fair and unbiased;*
42 (c) *Be scientifically valid and reliable; and*
43 (d) *Meet the highest standards of survey research.*

44 *2. If appointed to develop a climate survey on sexual*
45 *misconduct, the researchers shall:*



- 1 (a) *Use best practices from peer-reviewed research;*
2 (b) *Consult with persons with expertise in the development and*
3 *use of climate surveys on sexual misconduct at institutions of*
4 *higher education;*
5 (c) *Review climate surveys on sexual misconduct which have*
6 *been developed and implemented by institutions of higher*
7 *education, including, without limitation, institutions in other*
8 *states;*
9 (d) *Provide opportunity for written comment from*
10 *organizations that assist victims of sexual misconduct to ensure*
11 *the adequacy and appropriateness of any proposed content of the*
12 *climate survey on sexual misconduct;*
13 (e) *Consult with institutions within the System on strategies for*
14 *optimizing the effectiveness of the climate survey on sexual*
15 *misconduct; and*
16 (f) *Account for the diverse needs and differences of the*
17 *institutions within the System.*
- 18 3. *If a climate survey on sexual misconduct is developed, the*
19 *climate survey must request information on topics related to*
20 *sexual misconduct. The topics may include, without limitation:*
21 (a) *The estimated number of alleged incidents of sexual*
22 *misconduct, both reported and not reported, at an institution*
23 *within the System, if a student taking the survey has knowledge of*
24 *such information;*
25 (b) *When and where an alleged incident of sexual misconduct*
26 *occurred;*
27 (c) *Whether an alleged incident of sexual misconduct was*
28 *perpetrated by a student, faculty member, staff member of an*
29 *institution within the System, third party vendor or another*
30 *person;*
31 (d) *Awareness of a student of the policies and procedures*
32 *related to sexual misconduct at an institution;*
33 (e) *Whether a student reported an alleged incident of sexual*
34 *misconduct and:*
35 (1) *If the incident was reported, to which campus resource*
36 *or law enforcement agency a report was made; and*
37 (2) *If the incident was not reported, the reason the student*
38 *chose not to report the incident;*
39 (f) *Whether a student who reported an alleged incident of*
40 *sexual misconduct was:*
41 (1) *Offered supportive measures by an institution;*
42 (2) *Informed of, aware of or referred to campus, local or*
43 *state resources for support for victims, including, without*
44 *limitation, appropriate medical care and legal services; and*



1 (3) *Informed of the prohibition against retaliation for*
2 *reporting an alleged incident of sexual misconduct;*

3 (g) *Contextual factors in an alleged incident of sexual*
4 *misconduct, such as the involvement of force, incapacitation or*
5 *coercion;*

6 (h) *Demographic information that could be used to identify at-*
7 *risk groups, including, without limitation, the gender, race,*
8 *ethnicity, national origin, economic status, disability, gender*
9 *identity or expression, immigration status and sexual orientation*
10 *of the student taking the climate survey on sexual misconduct;*

11 (i) *Perceptions a student has of campus safety;*

12 (j) *Whether a student has confidence in the ability of the*
13 *institution to protect against and respond to alleged incidents of*
14 *sexual misconduct;*

15 (k) *Whether a student chose to withdraw or take a leave of*
16 *absence from the institution or transfer to another institution*
17 *because the student is the complainant or respondent in an alleged*
18 *incident of sexual misconduct;*

19 (l) *Whether a student withdrew from any classes or was placed*
20 *on academic probation, disciplinary probation or otherwise*
21 *disciplined as a result of an alleged incident of sexual misconduct;*

22 (m) *Whether a student experienced any financial impact as a*
23 *result of an alleged incident of sexual misconduct or the response*
24 *of an institution within the System to the alleged incident of sexual*
25 *misconduct;*

26 (n) *Whether a student experienced any negative health impacts*
27 *as a result of an alleged incident of sexual misconduct or the*
28 *response of an institution within the System to the alleged incident*
29 *of sexual misconduct, including, without limitation, post-*
30 *traumatic stress disorder, anxiety, depression, chronic pain or an*
31 *eating disorder;*

32 (o) *The perception of the participants in the survey of the*
33 *attitudes of the community toward sexual misconduct, including,*
34 *without limitation, the willingness of a person to intervene in an*
35 *ongoing incident of sexual misconduct as a bystander; and*

36 (p) *Any other questions as determined necessary by the*
37 *researchers.*

38 4. *The climate survey on sexual misconduct must provide an*
39 *option for students to decline to answer a question.*

40 **Sec. 13. 1.** *To the extent that money is available, the Board*
41 *of Regents may require each institution within the System to*
42 *conduct a climate survey on sexual misconduct at the institution*
43 *biennially.*

44 2. *A climate survey on sexual misconduct conducted*
45 *pursuant to subsection 1 must include the questions developed by*



1 *researchers employed at an institution within the System pursuant*
2 *to section 12 of this act. If an institution within the System*
3 *includes additional questions on a climate survey on sexual*
4 *misconduct conducted pursuant to subsection 1, the questions*
5 *must not be unnecessarily traumatizing for a victim of an alleged*
6 *incident of sexual misconduct.*

7 *3. If an institution within the System conducts a climate*
8 *survey on sexual misconduct pursuant to subsection 1, the*
9 *institution shall:*

10 *(a) Provide the survey to each student at the institution,*
11 *including, without limitation, students studying abroad;*

12 *(b) Not require the disclosure of personally identifiable*
13 *information by a participant in the climate survey on sexual*
14 *misconduct;*

15 *(c) Work to ensure an adequate number of students complete*
16 *the survey to achieve a random and representative sample size of*
17 *students;*

18 *(d) Within 120 days after completion of the climate survey on*
19 *sexual misconduct:*

20 *(1) Compile a summary of the responses to the survey; and*

21 *(2) Submit the summary of responses to the Board of*
22 *Regents; and*

23 *(e) Post on the Internet website maintained by the institution*
24 *in a manner that does not disclose the identity of a student:*

25 *(1) The summary of the responses to the climate survey on*
26 *sexual misconduct; and*

27 *(2) A link to the summary of the responses to the climate*
28 *survey on sexual misconduct on the Internet website maintained*
29 *by the Board of Regents.*

30 *4. A climate survey on sexual misconduct must be*
31 *administered electronically by an institution within the System and*
32 *provide reasonable accommodations for students with a disability.*

33 *5. An institution within the System may obtain a waiver from*
34 *the Board of Regents to not administer a climate survey on sexual*
35 *misconduct pursuant to this section due to the financial*
36 *circumstances of the institution.*

37 *6. An institution within the System may apply for and accept*
38 *any gifts, grants, donations, bequests or other money from any*
39 *source to carry out the provisions of this section.*

40 *7. Any data or reports that underline the summaries*
41 *generated pursuant to subsection 3 are confidential and are not a*
42 *public record for the purposes of chapter 239 of NRS.*

43 **Sec. 14. 1. If the Board of Regents requires an institution**
44 **within the System to conduct a climate survey on sexual**



1 *misconduct pursuant to section 13 of this act, the Board of*
2 *Regents shall, to the extent money is available:*

3 *(a) Provide a copy of the questions developed by researchers*
4 *employed at an institution within the System pursuant to section*
5 *12 of this act to each institution within a reasonable time after the*
6 *Board of Regents receives the questions from the researchers who*
7 *develop the questions;*

8 *(b) Establish a repository for the summaries of the climate*
9 *survey on sexual misconduct submitted by each institution*
10 *pursuant to section 13 of this act;*

11 *(c) Post each summary of the responses to a climate survey on*
12 *sexual misconduct submitted by an institution pursuant to section*
13 *13 of this act on the Internet website maintained by the Board of*
14 *Regents in a manner that does not disclose the identity of a*
15 *student;*

16 *(d) Adopt a policy on the dissemination, collection and*
17 *summation of the responses to the climate survey on sexual*
18 *misconduct; and*

19 *(e) On or before February 1 of each odd-numbered year,*
20 *report the summaries of the climate survey on sexual misconduct*
21 *submitted by an institution pursuant to section 13 of this act to the*
22 *Director of the Legislative Counsel Bureau for transmittal to the*
23 *Senate and Assembly Standing Committees on Education.*

24 *2. Any data or reports that underline the summaries*
25 *generated pursuant to subsection 1 are confidential and are not a*
26 *public record for the purposes of chapter 239 of NRS.*

27 **Sec. 15.** *The Board of Regents may require an institution*
28 *within the System to:*

29 *1. Require employees who participate in the grievance*
30 *process of the institution pursuant to Title IX of the Education*
31 *Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or a policy*
32 *adopted pursuant to section 16 of this act to receive annual*
33 *training on topics related to sexual misconduct which may*
34 *include, without limitation, any training required pursuant to*
35 *section 22 of this act;*

36 *2. Provide a complainant and respondent with a copy of the*
37 *policies of the institution regarding the submission and*
38 *consideration of evidence that may be considered during the*
39 *grievance process;*

40 *3. Within 7 business days after a final determination of a*
41 *report of an alleged incident of sexual misconduct, inform the*
42 *complainant and the respondent of the result of the final*
43 *determination; and*

44 *4. Unless otherwise required by state or federal law, not*
45 *disclose the identity of a complainant or respondent.*



1 **Sec. 16. 1. The Board of Regents may require an**
2 **institution within the System to adopt a policy on sexual**
3 **misconduct consistent with applicable state and federal law.**

4 **2. If the Board of Regents requires the adoption of a policy**
5 **on sexual misconduct pursuant to subsection 1, in developing the**
6 **policy on sexual misconduct, an institution within the System:**

7 **(a) Shall:**

8 **(1) Incorporate a trauma-informed response;**

9 **(2) Coordinate with:**

10 **(I) The Title IX coordinator of the institution; and**

11 **(II) If an institution has entered into a memorandum of**
12 **understanding pursuant to section 18 of this act, the organization**
13 **that assists victims of sexual misconduct; and**

14 **(3) Engage in a culturally competent manner to reflect the**
15 **diverse needs of all students; and**

16 **(b) May consider input from internal and external entities,**
17 **including, without limitation:**

18 **(1) Administrators at the institution;**

19 **(2) Personnel affiliated with health care centers located on**
20 **or off a campus of the institution that provide services to the**
21 **institution;**

22 **(3) An advocate designated pursuant to section 19 of this**
23 **act;**

24 **(4) Staff affiliated with campus housing services;**

25 **(5) Students enrolled in an institution within the System;**

26 **(6) Law enforcement agencies, including, without**
27 **limitation, campus police or security; and**

28 **(7) The district attorney of the county where the main**
29 **campus of the institution is located.**

30 **3. If the Board of Regents requires the adoption of a policy**
31 **on sexual misconduct pursuant to subsection 1, an institution**
32 **within the System shall provide:**

33 **(a) Internal or external entities an opportunity to provide**
34 **comment on the initial policy on sexual misconduct or any**
35 **substantive change to the policy;**

36 **(b) Instructions on how an internal or external entity may**
37 **provide comment on the initial policy on sexual misconduct or a**
38 **substantive change to the policy; and**

39 **(c) A reasonable length of time during which the institution**
40 **will accept comment.**

41 **4. After an initial policy on sexual misconduct is adopted by**
42 **an institution within the System, the opportunity for comment by**
43 **an internal or external entity pursuant to subsection 3 applies only**
44 **to a substantive change to the policy, as determined by the**
45 **institution.**



1 5. *If the Board of Regents requires the adoption of a policy*
2 *on sexual misconduct pursuant to subsection 1, an institution*
3 *within the System shall make the policy on sexual misconduct*
4 *publicly available not later than the start of each academic year:*

5 (a) *Upon request, to a prospective student, current student or*
6 *employee of the institution; and*

7 (b) *On the Internet website maintained by the institution.*

8 6. *As used in this section, "student" includes, without*
9 *limitation, a former student of the institution who took a leave of*
10 *absence or withdrew from the institution due to being a*
11 *complainant of an alleged incident of sexual misconduct.*

12 **Sec. 17.** *If the Board of Regents requires the adoption of a*
13 *policy on sexual misconduct pursuant to section 16 of this act, the*
14 *policy must include, without limitation, information on:*

15 1. *The procedures by which a student or employee at the*
16 *institution within the System may report or disclose an alleged*
17 *incident of sexual misconduct that occurred on or off a campus of*
18 *the institution;*

19 2. *Supportive measures, including, without limitation:*

20 (a) *Changing academic, living, campus transportation or work*
21 *arrangements;*

22 (b) *Taking a leave of absence from the institution in response*
23 *to an alleged incident of sexual misconduct;*

24 (c) *How to request supportive measures; and*

25 (d) *The process to have any supportive measures reviewed by*
26 *the institution;*

27 3. *Appropriate local, state and federal law enforcement*
28 *agencies, including, without limitation, the contact information*
29 *for a law enforcement agency; and*

30 4. *The grievance process of the institution for investigating*
31 *and resolving a report of an alleged incident of sexual misconduct*
32 *pursuant to Title IX of the Education Amendments Act of 1972, 20*
33 *U.S.C. §§ 1681 et seq., the policy on sexual misconduct adopted*
34 *pursuant to section 16 of this act and, if required by the Board of*
35 *Regents, the requirements of section 15 of this act.*

36 **Sec. 17.5.** *1. To the extent practicable, the Board of*
37 *Regents may require an institution within the System to enter into*
38 *a memorandum of understanding with a local law enforcement*
39 *agency of the jurisdiction in which the main campus of the*
40 *institution is located to establish the respective roles and*
41 *responsibilities of the institution and the law enforcement agency*
42 *relating to the prevention of and response to alleged incidents of*
43 *sexual misconduct on-campus and off-campus. Such a*
44 *memorandum of understanding must, without limitation:*



1 (a) Establish the jurisdiction of the local law enforcement
2 agency based on criteria including, without limitation, the location
3 and type of an alleged incident of sexual misconduct;

4 (b) Provide for a cross-jurisdictional or multi-jurisdictional
5 response or investigation, as appropriate;

6 (c) In accordance with state and federal law, establish
7 protocols for the release of relevant documentation and
8 information relating to an alleged incident of sexual misconduct
9 to the law enforcement agency during an investigation conducted
10 by the institution or the law enforcement agency in investigations
11 where a student or employee of the institution consents to the
12 release of such documentation or information; and

13 (d) Include methods for notifying the district attorney of the
14 county where the main campus of the institution is located of an
15 alleged incident of sexual misconduct, as appropriate.

16 2. If an institution within the System enters into a
17 memorandum of understanding pursuant to this section, the
18 institution shall comply with applicable state and federal
19 confidentiality and privacy laws.

20 3. If an institution is located in the jurisdiction of more than
21 one local law enforcement agency, only one memorandum of
22 understanding between the institution and a local law enforcement
23 agency is necessary to comply with this section.

24 **Sec. 18.** 1. The Board of Regents may require an
25 institution within the System to enter into a memorandum of
26 understanding with an organization that assists victims of sexual
27 misconduct. The memorandum of understanding may, without
28 limitation:

29 (a) Ensure cooperation and training between the institution
30 and the organization that assists victims of sexual misconduct to
31 ensure an understanding of the:

32 (1) Responsibilities that the institution and organization
33 that assists victims of sexual misconduct have in responding to a
34 report or disclosure of an alleged incident of sexual misconduct;
35 and

36 (2) Procedures of the institution for providing support and
37 services to students and employees; and

38 (b) Require an organization that assists victims of sexual
39 misconduct to:

40 (1) Assist with developing policies, programming or
41 training at the institution regarding sexual misconduct;

42 (2) Provide an alternative for a student or employee of the
43 institution to receive free and confidential counseling, advocacy or
44 crisis services related to sexual misconduct that are located on or
45 off a campus of the institution, including, without limitation:



1 (I) Access to a health care provider who specializes in
2 forensic medical examinations; and

3 (II) Confidential services to a victim;

4 (3) The development and implementation of education and
5 prevention programs for students of the institution; and

6 (4) The development and implementation of training and
7 prevention curriculum for employees of the institution.

8 2. The memorandum of understanding may include a fee
9 structure for any services provided by an organization that assists
10 victims of sexual misconduct.

11 3. As used in this section, "forensic medical examination"
12 has the meaning ascribed to it in NRS 217.300.

13 **Sec. 19.** 1. The Board of Regents may require an
14 institution within the System to designate an advocate for parties
15 to alleged incidents of sexual misconduct. If the Board of Regents
16 requires the designation of an advocate, an institution shall
17 designate existing categories of employees who may serve as an
18 advocate. An institution may:

19 (a) Partner with an organization that assists victims of sexual
20 misconduct to designate an advocate; or

21 (b) If the institution enrolls less than 1,000 students who reside
22 in campus housing, partner with another institution within the
23 System to designate an advocate.

24 2. An advocate designated pursuant to subsection 1:

25 (a) May not have another role at the institution;

26 (b) Must not be a student, a Title IX coordinator, a member of
27 campus police or law enforcement or any other official of the
28 institution who is authorized to initiate a disciplinary proceeding
29 on behalf of the institution or whose position at the institution may
30 create a conflict of interest;

31 (c) Must be designated based on the training or experience of
32 the person to effectively provide services related to sexual
33 misconduct; and

34 (d) Must have completed at least 20 hours of relevant training.

35 3. If an institution within the System designates an advocate
36 pursuant to subsection 1, the advocate must be trained on:

37 (a) The awareness and prevention of sexual misconduct;

38 (b) Title IX of the Education Amendments Act of 1972, 20
39 U.S.C. §§ 1681 et seq.;

40 (c) Any policy on sexual misconduct adopted by the institution
41 pursuant to section 16 of this act; and

42 (d) Trauma-informed responses to a report of an alleged
43 incident of sexual misconduct.

44 4. An institution within the System that designates an
45 advocate pursuant to subsection 1 shall provide for the availability



1 of an advocate to students within a reasonable distance from the
2 institution or by electronic means if it is not practicable to provide
3 for the availability of an advocate in person.

4 **Sec. 20. 1.** *If an advocate is designated pursuant to section*
5 *19 of this act, the advocate shall:*

6 (a) *If an institution within the System has entered into a*
7 *memorandum of understanding pursuant to section 18 of this act,*
8 *coordinate with the organization that assists victims of sexual*
9 *assault;*

10 (b) *Inform a student or employee of, or provide resources*
11 *about how to obtain information on:*

12 (1) *Options on how to report an alleged incident of sexual*
13 *misconduct and the effects of each option;*

14 (2) *Counseling services available on a campus of the*
15 *institution and through a local organization that assists victims of*
16 *sexual misconduct;*

17 (3) *Medical and legal services available on or off a campus*
18 *of the institution;*

19 (4) *Available supportive measures;*

20 (5) *Counseling related to student loans;*

21 (6) *The grievance process of the institution and that the*
22 *grievance process is not a substitute for the system of criminal*
23 *justice;*

24 (7) *The role of local, state and federal law enforcement*
25 *agencies;*

26 (8) *Any limits on the ability of the advocate to provide*
27 *privacy or confidentiality to the student or employee; and*

28 (9) *A policy of sexual misconduct adopted by the institution*
29 *pursuant to section 16 of this act;*

30 (c) *Notify the student or employee of his or her rights and the*
31 *responsibilities of the institution regarding an order for protection,*
32 *restraining order or injunction issued by a court;*

33 (d) *Except as otherwise required by state or federal law, not be*
34 *required to report an alleged incident of sexual misconduct to the*
35 *institution or a law enforcement agency;*

36 (e) *Provide confidential services to students and employees;*

37 (f) *Not provide confidential services to more than one party in*
38 *a grievance process;*

39 (g) *Except as otherwise required by state or federal law, not*
40 *disclose confidential information without the prior written consent*
41 *of the student or employee who shared the information;*

42 (h) *Support a complainant in obtaining supportive measures to*
43 *ensure the complainant has continued access to education;*



1 (i) Notify all staff of the institution who are involved in
2 providing or enforcing supportive measures of the duties of the
3 staff and ensure staff are trained; and

4 (j) Inform a student or employee that supportive measures may
5 be available through disability services or the Title IX coordinator.

6 2. If an advocate is designated pursuant to section 19 of this
7 act, the advocate may:

8 (a) If appropriate and if directed by a student or employee,
9 assist the student or employee in reporting an alleged incident of
10 sexual misconduct to the institution or a law enforcement agency;
11 and

12 (b) Attend a disciplinary proceeding of the institution as the
13 advisor or support person of a complainant or respondent.

14 3. Notice to an advocate of an alleged incident of sexual
15 misconduct or the performance of services by an advocate
16 pursuant to this section must not be considered actual or
17 constructive notice of an alleged incident of sexual misconduct to
18 the institution within the System which designated the advocate
19 pursuant to section 19 of this act.

20 4. If a conflict of interest arises between the institution within
21 the System which designated an advocate and the advocate in
22 advocating for the provision of supportive measures by the
23 institution to a complainant or respondent, the institution shall not
24 discipline, penalize or otherwise retaliate against the advocate for
25 advocating for a complainant or respondent.

26 **Sec. 21.** 1. The Board of Regents may prohibit an
27 institution within the System from subjecting a complainant or a
28 witness to an alleged incident of sexual misconduct to a
29 disciplinary proceeding or sanction for a violation of a policy on
30 student conduct related to drug or alcohol use, trespassing or
31 unauthorized entry of school facilities or other violation of a
32 policy of an institution that occurred during or related to an
33 alleged incident of sexual misconduct unless the institution
34 determines that the:

35 (a) Report of an alleged incident of sexual misconduct was not
36 made in good faith; or

37 (b) The violation of a policy on student conduct was egregious,
38 including, without limitation, a violation that poses a risk to the
39 health or safety of another person.

40 2. The Board of Regents may require an institution within the
41 System to review any disciplinary action taken against a
42 complainant or witness to determine if there is any connection
43 between the alleged incident of sexual misconduct that was
44 reported and the misconduct that led to the complainant or witness
45 being disciplined.



1 **Sec. 22. 1.** *The Board of Regents may require an*
2 *institution within the System to provide training on the grievance*
3 *process of the institution to an employee who is a participant in the*
4 *grievance process. The training must include, without*
5 *limitation:*

6 (i) *How to respond to and otherwise address a report of an*
7 *alleged incident of sexual misconduct;*

8 (ii) *Information on working with and interviewing victims of*
9 *sexual misconduct;*

10 (iii) *Information on particular types of sexual misconduct,*
11 *including, without limitation, domestic violence and sexual*
12 *assault;*

13 (iv) *An explanation of consent as it applies to a sexual act or*
14 *sexual conduct with another person;*

15 (v) *The manner in which drugs and alcohol may affect the*
16 *ability of a person to consent to a sexual act or sexual conduct*
17 *with another person;*

18 (vi) *The effects of trauma, including, without limitation, any*
19 *neurobiological impact on a person;*

20 (vii) *Training in cultural competency regarding how sexual*
21 *misconduct may impact students differently depending on, without*
22 *limitation, the national origin, sex, ethnicity, religion, gender*
23 *identity, gender expression or sexual orientation of a student;*

24 (viii) *Information regarding how sexual misconduct may impact*
25 *students with disabilities;*

26 (ix) *Ways to communicate appropriately with a complainant;*

27 (x) *Ways to communicate appropriately with a respondent,*
28 *including, without limitation, an awareness of the emotional*
29 *impact of being accused; and*

30 (xi) *Information regarding re-traumatization and blaming of a*
31 *victim.*

32 **2.** *The Board of Regents may require an institution within*
33 *the System to train the Title IX coordinator and members of the*
34 *campus police or safety personnel of the institution in the*
35 *awareness of sexual misconduct and in trauma-informed*
36 *responses to an alleged incident of sexual misconduct.*

37 **Sec. 23. 1.** *The Board of Regents may require an*
38 *institution within the System to provide programming on*
39 *awareness and prevention of sexual misconduct to all students and*
40 *employees of the institution. If the Board of Regents requires an*
41 *institution to provide programming on awareness and prevention*
42 *of sexual misconduct, the programming may include, without*
43 *limitation:*

44 (i) *An explanation of consent as it applies to a sexual act or*
45 *sexual conduct with another person;*



1 (b) *The manner in which drugs and alcohol may affect the*
2 *ability of a person to consent to a sexual act or sexual conduct*
3 *with another person;*

4 (c) *Information on options for reporting an alleged incident of*
5 *sexual misconduct, the effects of each option and the method to*
6 *file a report under each option, including, without limitation, a*
7 *description of the confidentiality and anonymity, as applicable, of*
8 *a report;*

9 (d) *Information on the grievance process of the institution for*
10 *addressing a report of an alleged incident of sexual misconduct,*
11 *including, without limitation, a policy on sexual misconduct*
12 *adopted pursuant to section 16 of this act;*

13 (e) *The range of sanctions or penalties the institution may*
14 *impose on a student or employee found responsible for an incident*
15 *of sexual misconduct;*

16 (f) *If an advocate is designated pursuant to section 19 of this*
17 *act, the name, contact information and role of the advocate;*

18 (g) *Strategies for intervention by bystanders;*

19 (h) *Strategies for reduction of the risk of sexual misconduct;*
20 *and*

21 (i) *Any other opportunities for additional programming on*
22 *awareness and prevention of sexual misconduct.*

23 2. *If an institution provides programming on awareness and*
24 *prevention of sexual misconduct pursuant to subsection 1, the*
25 *institution:*

26 (a) *Shall coordinate with the Title IX coordinator of the*
27 *institution;*

28 (b) *May coordinate with a law enforcement agency and, if the*
29 *institution entered into a memorandum of understanding with an*
30 *organization that assists victims of sexual misconduct pursuant to*
31 *section 18 of this act, that organization; and*

32 (c) *Shall require students or employees to attend the*
33 *programming on the awareness and prevention of sexual*
34 *misconduct.*

35 3. *If an institution provides programming on awareness and*
36 *prevention of sexual misconduct pursuant to subsection 1, the*
37 *programming may be culturally responsive and address the unique*
38 *experiences and challenges faced by students based on*
39 *the race, ethnicity, national origin, economic status, disability,*
40 *gender identity or expression, immigration status and sexual*
41 *orientation of a student.*

42 **Sec. 24.** *The Board of Regents may require an institution*
43 *within the System that receives a report of an alleged incident of*
44 *sexual misconduct that involves a student or employee of the*



1 *institution, to determine the responsibility of a respondent based*
2 *on a preponderance of the evidence.*

3 **Sec. 25. 1.** *The Board of Regents may require an*
4 *institution within the System to accept a request from a*
5 *complainant who is 18 years of age or older to keep the identity of*
6 *the complainant confidential or take no investigative or*
7 *disciplinary action against a respondent. An institution shall not*
8 *grant such a request if state or federal law requires disclosure or*
9 *further action. In determining whether to grant such a request, the*
10 *institution shall consider whether there is a risk that the*
11 *respondent may commit additional acts of sexual misconduct,*
12 *violence, discrimination or harassment, based on whether one or*
13 *more of the following factors are present to a sufficient degree:*

14 (a) *There are any previous or existing reports of an incident of*
15 *sexual misconduct, violence, discrimination or harassment against*
16 *the respondent, including, without limitation, records of*
17 *complaints against or the arrest of the respondent;*

18 (b) *The respondent allegedly used a weapon;*

19 (c) *The respondent threatened violence, discrimination or*
20 *harassment against the complainant or other persons;*

21 (d) *The alleged incident of sexual misconduct was alleged to*
22 *have been committed by two or more people;*

23 (e) *The circumstances surrounding the alleged incident of*
24 *sexual misconduct indicate that the incident was premeditated*
25 *and, if so, whether the respondent or another person allegedly*
26 *premeditated the incident;*

27 (f) *The circumstances surrounding the alleged incident of*
28 *sexual misconduct indicate a pattern of consistent behavior at a*
29 *particular location or by a particular group of people;*

30 (g) *The institution is able to conduct a thorough investigation*
31 *and obtain relevant evidence without the cooperation of the*
32 *complainant; and*

33 (h) *There are any other factors that indicate the respondent*
34 *may repeat the behavior alleged by the complainant or that the*
35 *complainant or other persons may be at risk of harm.*

36 2. *If an institution within the System grants a request for*
37 *confidentiality or to not take any investigative or disciplinary*
38 *action pursuant to subsection 1, the institution shall take*
39 *reasonable steps to, without initiating formal action against the*
40 *respondent:*

41 (a) *Respond to the report of an alleged incident of sexual*
42 *misconduct while maintaining the confidentiality of the*
43 *complainant;*

44 (b) *Limit the effects of the alleged incident of sexual*
45 *misconduct; and*



1 (c) *Prevent the recurrence of any misconduct.*

2 3. *Reasonable steps taken pursuant to subsection 2 may*
3 *include, without limitation:*

4 (a) *Increased monitoring, supervision or security at locations*
5 *or activities where the alleged incident of sexual misconduct*
6 *occurred;*

7 (b) *Providing additional training and educational materials for*
8 *students and employees; or*

9 (c) *Ensuring a complainant, is informed of and has access to*
10 *appropriate supportive measures.*

11 4. *If an institution within the System grants a request for*
12 *confidentiality or to not take any investigative or disciplinary*
13 *action pursuant to subsection 1, the institution shall inform the*
14 *complainant that the ability of the institution to respond to the*
15 *report of the alleged incident of sexual misconduct will be limited*
16 *by the request.*

17 5. *If an institution within the System determines that it*
18 *cannot grant a request for confidentiality or to not take any*
19 *investigative or disciplinary action pursuant to subsection 1, the*
20 *institution shall:*

21 (a) *Inform the complainant of the determination before*
22 *disclosing the identity of the complainant or initiating an*
23 *investigation;*

24 (b) *Provide supportive measures for the complainant; and*

25 (c) *If requested by the complainant, inform the respondent that*
26 *the complainant asked the institution not to take investigative or*
27 *disciplinary action against the respondent.*

28 **Sec. 26.** 1. *In conducting an investigation of an alleged*
29 *incident of sexual misconduct pursuant to section 24 of this act,*
30 *an institution within the System shall:*

31 (a) *Provide the complainant and the respondent the*
32 *opportunity to identify witnesses and other evidence to assist the*
33 *institution in determining whether an alleged incident of sexual*
34 *misconduct has occurred;*

35 (b) *Inform the complainant and the respondent that any*
36 *evidence available to the party but not disclosed during the*
37 *investigation might not be considered at a subsequent hearing;*
38 *and*

39 (c) *Equitably collect and use evidence, including, without*
40 *limitation, providing that:*

41 (1) *Except as otherwise authorized by this section, an*
42 *investigator may not consider the sexual history of a complainant*
43 *or respondent;*

44 (2) *An investigator may not consider any previous or*
45 *subsequent sexual history between the complainant and any party*



1 *other than the respondent unless the history is directly relevant to*
2 *prove that any physical injuries alleged to have been inflicted by*
3 *the respondent were inflicted by another person; and*

4 (3) *An investigator may not consider the existence of a*
5 *dating relationship or previous or subsequent consensual sexual*
6 *conduct between the complainant and the respondent unless the*
7 *evidence is relevant to demonstrate how the parties communicated*
8 *consent in previous or subsequent consensual sexual conduct.*

9 2. *The fact that a complainant and a respondent engaged in*
10 *any previous or subsequent consensual sexual relations is not by*
11 *itself sufficient to establish that the conduct in question was*
12 *consensual.*

13 3. *An institution within the System shall provide periodic*
14 *updates on the investigation to the complainant and the*
15 *respondent regarding the timeline of the investigation.*

16 4. *An institution within the System shall notify the*
17 *complainant and the respondent of the findings of an investigation*
18 *simultaneously.*

19 5. *If an institution within the System imposes any disciplinary*
20 *action based on the findings of an investigation on a respondent,*
21 *such disciplinary action must be imposed in accordance with the*
22 *grievance process of the institution.*

23 **Sec. 27.** (Deleted by amendment.)

24 **Sec. 28.** 1. *An institution within the System may issue a no-*
25 *contact directive prohibiting the complainant and the respondent*
26 *from contacting each other. An institution may issue a no-contact*
27 *directive if the directive is necessary to:*

28 (a) *Protect the safety or well-being of either the complainant*
29 *or the respondent; or*

30 (b) *Respond to interference with an investigation.*

31 2. *A no-contact directive issued after a decision of*
32 *responsibility against the respondent has been made is unilateral*
33 *and applies only against the respondent.*

34 3. *If an institution issues a mutual no-contact directive, the*
35 *institution shall provide the complainant and the respondent with*
36 *a written justification for the directive and an explanation of the*
37 *terms of the directive, including, without limitation, that a*
38 *violation of the directive may subject the party to disciplinary*
39 *action.*

40 **Sec. 29.** 1. *A student who experiences sexual misconduct*
41 *may request a waiver from any requirement to maintain a certain*
42 *grade point average, credit enrollment, or other academic or*
43 *disciplinary record requirement related to academic success for*
44 *any scholarship, grant or other academic program offered by an*
45 *institution within the System. A waiver may be granted by an*



1 *advocate designated pursuant to section 19 of this act, the Title IX*
2 *coordinator of the institution, a law enforcement officer employed*
3 *by the institution, an academic advisor or staff member of a*
4 *disability resource center of the institution.*

5 2. *A student or employee who experiences sexual misconduct*
6 *shall be granted a request to take a leave of absence or, to the*
7 *extent practicable, extend benefits of employment.*

8 **Sec. 30. 1.** *The Board of Regents may require an*
9 *institution within the System to prepare and submit to the Board*
10 *an annual report that includes, without limitation:*

11 (a) *The total number of reports of alleged incidents of sexual*
12 *misconduct allegedly committed by a student or employee of the*
13 *institution made to the Title IX office of the institution;*

14 (b) *The number of students and employees found responsible*
15 *for an incident of sexual misconduct by the institution;*

16 (c) *The number of students and employees accused of but*
17 *found not responsible for an incident of sexual misconduct by the*
18 *institution;*

19 (d) *The number of persons sanctioned by the institution as a*
20 *result of a finding of responsibility for an incident of sexual*
21 *misconduct; and*

22 (e) *The number of persons who submitted requests for*
23 *supportive measures and the number of persons who received*
24 *supportive measures.*

25 2. *A report submitted pursuant to subsection 1 shall not*
26 *contain any personally identifiable information of a student or*
27 *employee of an institution within the System.*

28 3. *Information contained in a report submitted pursuant to*
29 *subsection 1 must be able to be disaggregated by students and*
30 *employees.*

31 4. *If the Board of Regents requires a report to be prepared*
32 *and submitted pursuant to subsection 1, an institution shall submit*
33 *the report to the Board of Regents not later than October 1 of each*
34 *year.*

35 5. *If the Board of Regents requires a report to be prepared*
36 *and submitted pursuant to subsection 1, the Board of Regents*
37 *shall, not later than December 31 of each year, submit a*
38 *compilation of the reports the Board received pursuant to*
39 *subsection 1 to the Director of the Department of Health and*
40 *Human Services and the Director of the Legislative Counsel*
41 *Bureau for transmittal to the next regular session of the*
42 *Legislature in even-numbered years or to the Legislative*
43 *Committee on Education in odd-numbered years.*



1 **6. Any data or reports that underline the report prepared**
2 **pursuant to subsection 3 are confidential and are not a public**
3 **record for the purposes of chapter 239 of NRS.**

4 **Sec. 31.** (Deleted by amendment.)

5 **Sec. 32. The Board of Regents may adopt regulations as**
6 **necessary to carry out the provisions of sections 2 to 32, inclusive,**
7 **of this act.**

8 **Sec. 33.** NRS 396.585 is hereby amended to read as follows:

9 396.585 1. The Board of Regents shall require each student
10 who participates as a member of a varsity athletic team which
11 represents ~~[the University of Nevada, Reno, or the University of~~
12 ~~Nevada, Las Vegas,]~~ **an institution within the System** to make
13 satisfactory progress toward obtaining a degree as a condition of
14 participation as a member of the team.

15 2. The Board of Regents shall establish standards for
16 determining whether a student is making satisfactory progress
17 toward obtaining his or her degree as required by this section. ~~[The]~~
18 **Except as otherwise provided in section 29 of this act, the**
19 standards must:

20 (a) Include a requirement that a student enroll in a sufficient
21 number of courses in each semester that are required to obtain the
22 academic degree the student is seeking to allow the student to
23 complete the requirements for obtaining the degree within a
24 reasonable period after the student's admission.

25 (b) Include a requirement that a student maintain a minimum
26 grade point average in the courses required pursuant to
27 paragraph (a).

28 **Sec. 34.** NRS 396.890 is hereby amended to read as follows:

29 396.890 1. The Board of Regents may administer, directly or
30 through a designated officer or employee of the System, a program
31 to provide loans for fees, books and living expenses to students in
32 the nursing programs of the System.

33 2. Each student to whom a loan is made must:

34 (a) Have been a "bona fide resident" of Nevada, as that term is
35 defined in NRS 396.540, for at least 6 months prior to the
36 "matriculation" of the student in the System, as that term is defined
37 pursuant to NRS 396.540;

38 (b) Be enrolled at the time the loan is made in a nursing program
39 of the System for the purpose of becoming a licensed practical nurse
40 or registered nurse;

41 (c) ~~[Fulfill]~~ **Except as otherwise provided in section 29 of this**
42 **act, fulfill** all requirements for classification as a full-time student
43 showing progression towards completion of the program; and

44 (d) ~~[Maintain]~~ **Except as otherwise provided in section 29 of**
45 **this act, maintain** at least a 2.00 grade point average in each class



1 and at least a 2.75 overall grade point average, on a 4.0 grading
2 scale.

3 3. Each loan must be made upon the following terms:

4 (a) All loans must bear interest at 8 percent per annum from the
5 date when the student receives the loan.

6 (b) Each student receiving a loan must repay the loan with
7 interest following the termination of the student's education for
8 which the loan is made. The loan must be repaid in monthly
9 installments over the period allowed with the first installment due 1
10 year after the date of the termination of the student's education for
11 which the loan is made. The amounts of the installments must not be
12 less than \$50 and may be calculated to allow a smaller payment at
13 the beginning of the period of repayment, with each succeeding
14 payment gradually increasing so that the total amount due will have
15 been paid within the period for repayment. The period for
16 repayment of the loans must be:

17 (1) Five years for loans which total less than \$10,000.

18 (2) Eight years for loans which total \$10,000 or more, but
19 less than \$20,000.

20 (3) Ten years for loans which total \$20,000 or more.

21 4. A delinquency charge may be assessed on any installment
22 delinquent 10 days or more in the amount of 8 percent of the
23 installment or \$4, whichever is greater, but not more than \$15.

24 5. The reasonable costs of collection and an attorney's fee may
25 be recovered in the event of delinquency.

26 **Sec. 35.** NRS 396.930 is hereby amended to read as follows:

27 396.930 1. Except as otherwise provided in subsections 2 and
28 4, a student may apply to the Board of Regents for a Millennium
29 Scholarship if the student:

30 (a) Except as otherwise provided in paragraph (e) of subsection
31 2, has been a resident of this State for at least 2 years before the
32 student applies for the Millennium Scholarship;

33 (b) Except as otherwise provided in paragraph (c), graduated
34 from a public or private high school in this State:

35 (1) After May 1, 2000, but not later than May 1, 2003; or

36 (2) After May 1, 2003, and, except as otherwise provided in
37 paragraphs (c), (d) and (f) of subsection 2, not more than 6 years
38 before the student applies for the Millennium Scholarship;

39 (c) Does not satisfy the requirements of paragraph (b) and:

40 (1) Was enrolled as a pupil in a public or private high school
41 in this State with a class of pupils who were regularly scheduled to
42 graduate after May 1, 2000;

43 (2) Received his or her high school diploma within 4 years
44 after he or she was regularly scheduled to graduate; and



1 (3) Applies for the Millennium Scholarship not more than 6
2 years after he or she was regularly scheduled to graduate from high
3 school;


4 (d) Except as otherwise provided in paragraph (e), maintained in
5 high school in the courses designated by the Board of Regents
6 pursuant to paragraph (b) of subsection 2, at least:

7 (1) A 3.00 grade point average on a 4.0 grading scale, if the
8 student was a member of the graduating class of 2003 or 2004;

9 (2) A 3.10 grade point average on a 4.0 grading scale, if the
10 student was a member of the graduating class of 2005 or 2006; or

11 (3) A 3.25 grade point average on a 4.0 grading scale, if the
12 student was a member of the graduating class of 2007 or a later
13 graduating class;

14 (e) Does not satisfy the requirements of paragraph (d) and
15 received at least the minimum score established by the Board of
16 Regents on a college entrance examination approved by the Board
17 of Regents that was administered to the student while the student
18 was enrolled as a pupil in a public or private high school in this
19 State; and

20 (f) Except as otherwise provided in NRS 396.936  and section
21 **29 of this act**, is enrolled in at least:

22 (1) Nine semester credit hours in a community college within
23 the System;

24 (2) Twelve semester credit hours in another eligible
25 institution; or

26 (3) A total of 12 or more semester credit hours in eligible
27 institutions if the student is enrolled in more than one eligible
28 institution.

29 2. The Board of Regents:

30 (a) Shall define the core curriculum that a student must complete
31 in high school to be eligible for a Millennium Scholarship.

32 (b) Shall designate the courses in which a student must earn the
33 minimum grade point averages set forth in paragraph (d) of
34 subsection 1.

35 (c) May establish criteria with respect to students who have been
36 on active duty serving in the Armed Forces of the United States to
37 exempt such students from the 6-year limitation on applications that
38 is set forth in subparagraph (2) of paragraph (b) of subsection 1.

39 (d) Shall establish criteria with respect to students who have a
40 documented physical or mental disability or who were previously
41 subject to an individualized education program under the
42 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et
43 seq., or a plan under Title V of the Rehabilitation Act of 1973, 29
44 U.S.C. §§ 791 et seq. The criteria must provide an exemption for
45 those students from:



1 (1) The 6-year limitation on applications that is set forth in
2 subparagraph (2) of paragraph (b) of subsection 1 and subparagraph
3 (3) of paragraph (c) of subsection 1 and any limitation applicable to
4 students who are eligible pursuant to subparagraph (1) of paragraph
5 (b) of subsection 1.

6 (2) The minimum number of credits prescribed in paragraph
7 (f) of subsection 1.

8 (e) Shall establish criteria with respect to students who have a
9 parent or legal guardian on active duty in the Armed Forces of the
10 United States to exempt such students from the residency
11 requirement set forth in paragraph (a) of subsection 1 or
12 subsection 4.

13 (f) Shall establish criteria with respect to students who have
14 been actively serving or participating in a charitable, religious or
15 public service assignment or mission to exempt such students from
16 the 6-year limitation on applications that is set forth in subparagraph
17 (2) of paragraph (b) of subsection 1. Such criteria must provide for
18 the award of Millennium Scholarships to those students who qualify
19 for the exemption and who otherwise meet the eligibility criteria to
20 the extent that money is available to award Millennium Scholarships
21 to the students after all other obligations for the award of
22 Millennium Scholarships for the current school year have been
23 satisfied.

24 3. If the Board of Regents requires a student to successfully
25 complete courses in mathematics or science to be eligible for a
26 Millennium Scholarship, a student who has successfully completed
27 one or more courses in computer science described in NRS
28 389.0186 must be allowed to apply not more than one unit of credit
29 received for the completion of such courses toward that
30 requirement.

31 4. Except as otherwise provided in paragraph (c) of subsection
32 1, for students who did not graduate from a public or private high
33 school in this State and who, except as otherwise provided in
34 paragraph (e) of subsection 2, have been residents of this State for at
35 least 2 years, the Board of Regents shall establish:

36 (a) The minimum score on a standardized test that such students
37 must receive; or

38 (b) Other criteria that students must meet,
39 ↪ to be eligible for Millennium Scholarships.

40 5. In awarding Millennium Scholarships, the Board of Regents
41 shall enhance its outreach to students who:

42 (a) Are pursuing a career in education or health care;

43 (b) Come from families who lack sufficient financial resources
44 to pay for the costs of sending their children to an eligible
45 institution; or



1 (c) Substantially participated in an antismoking, antidrug or
2 antialcohol program during high school.

3 6. The Board of Regents shall establish a procedure by which
4 an applicant for a Millennium Scholarship is required to execute an
5 affidavit declaring the applicant's eligibility for a Millennium
6 Scholarship pursuant to the requirements of this section. The
7 affidavit must include a declaration that the applicant is a citizen of
8 the United States or has lawful immigration status, or that the
9 applicant has filed an application to legalize the applicant's
10 immigration status or will file an application to legalize his or her
11 immigration status as soon as he or she is eligible to do so.

12 **Sec. 36.** NRS 396.934 is hereby amended to read as follows:

13 396.934 1. Except as otherwise provided in this section,
14 within the limits of money available in the Trust Fund, a student
15 who is eligible for a Millennium Scholarship is entitled to receive:

16 (a) If he or she is enrolled in a community college within the
17 System, including, without limitation, a summer academic term, \$40
18 per credit for each lower division course and \$60 per credit for each
19 upper division course in which the student is enrolled, or the amount
20 of money that is necessary for the student to pay the costs of
21 attending the community college that are not otherwise satisfied by
22 other grants or scholarships, whichever is less. The Board of
23 Regents shall provide for the designation of upper and lower
24 division courses for the purposes of this paragraph.

25 (b) If he or she is enrolled in a state college within the System,
26 including, without limitation, a summer academic term, \$60 per
27 credit for which the student is enrolled, or the amount of money that
28 is necessary for the student to pay the costs of attending the state
29 college that are not otherwise satisfied by other grants or
30 scholarships, whichever is less.

31 (c) If he or she is enrolled in another eligible institution,
32 including, without limitation, a summer academic term, \$80 per
33 credit for which the student is enrolled, or the amount of money that
34 is necessary for the student to pay the costs of attending the
35 university that are not otherwise satisfied by other grants or
36 scholarships, whichever is less.

37 (d) If he or she is enrolled in more than one eligible institution,
38 including, without limitation, a summer academic term, the amount
39 authorized pursuant to paragraph (a), (b) or (c), or a combination
40 thereof, in accordance with procedures and guidelines established by
41 the Board of Regents.


42 ↪ In no event may a student who is eligible for a Millennium
43 Scholarship receive more than the cost of 15 semester credits per
44 semester pursuant to this subsection.

45 2. No student may be awarded a Millennium Scholarship:



1 (a) To pay for remedial courses.

2 (b) For a total amount in excess of \$10,000.

3 3. Except as otherwise provided in NRS 396.936  and
4 *section 29 of this act*, a student who receives a Millennium
5 Scholarship shall:

6 (a) Make satisfactory academic progress toward a recognized
7 degree or certificate, as determined by the Board of Regents
8 pursuant to subsection 8; and

9 (b) Maintain at least a 2.75 grade point average on a 4.0 grading
10 scale for each semester of enrollment in the Governor Guinn
11 Millennium Scholarship Program.

12 4. A student who receives a Millennium Scholarship is
13 encouraged to volunteer at least 20 hours of community service for
14 this State, a political subdivision of this State or a charitable
15 organization that provides service to a community or the residents of
16 a community in this State during each year in which the student
17 receives a Millennium Scholarship.

18 5. If a student does not satisfy the requirements of subsection 3
19 during one semester of enrollment, excluding a summer academic
20 term, he or she is not eligible for the Millennium Scholarship for the
21 succeeding semester of enrollment. If such a student:

22 (a) Subsequently satisfies the requirements of subsection 3 in a
23 semester in which he or she is not eligible for the Millennium
24 Scholarship, the student is eligible for the Millennium Scholarship
25 for the student's next semester of enrollment.

26 (b) Fails a second time to satisfy the requirements of subsection
27 3 during any subsequent semester, excluding a summer academic
28 term, the student is no longer eligible for a Millennium Scholarship.

29 6. A Millennium Scholarship must be used only:

30 (a) For the payment of registration fees and laboratory fees and
31 expenses;

32 (b) To purchase required textbooks and course materials; and

33 (c) For other costs related to the attendance of the student at the
34 eligible institution.

35 7. The Board of Regents shall certify a list of eligible students
36 to the State Treasurer. The State Treasurer shall disburse a
37 Millennium Scholarship for each semester on behalf of an eligible
38 student directly to the eligible institution in which the student is
39 enrolled, upon certification from the eligible institution of the
40 number of credits for which the student is enrolled, which must
41 meet or exceed the minimum number of credits required for
42 eligibility and certification that the student is in good standing and
43 making satisfactory academic progress toward a recognized degree
44 or certificate, as determined by the Board of Regents pursuant to
45 subsection 8. The Millennium Scholarship must be administered by



1 the eligible institution as other similar scholarships are administered
2 and may be used only for the expenditures authorized pursuant to
3 subsection 6. If a student is enrolled in more than one eligible
4 institution, the Millennium Scholarship must be administered by the
5 eligible institution at which the student is enrolled in a program of
6 study leading to a recognized degree or certificate.

7 8. The Board of Regents shall establish:

8 (a) Criteria for determining whether a student is making
9 satisfactory academic progress toward a recognized degree or
10 certificate for purposes of subsection 7.

11 (b) Procedures to ensure that all money from a Millennium
12 Scholarship awarded to a student that is refunded in whole or in part
13 for any reason is refunded to the Trust Fund and not the student.

14 (c) Procedures and guidelines for the administration of a
15 Millennium Scholarship for students who are enrolled in more than
16 one eligible institution.

17 **Sec. 37.** NRS 396.945 is hereby amended to read as follows:

18 396.945 1. The Board shall annually award the Memorial
19 Scholarship to:

20 (a) Two recipients who are students enrolled at:

21 (1) The University of Nevada, Reno, Great Basin College or
22 Sierra Nevada College;

23 (2) A nonprofit university which awards a bachelor's degree
24 in education to residents of northern Nevada; or

25 (3) Any other college or university which awards a
26 bachelor's degree in education and which is designated by the Board
27 as an institution representative of northern Nevada; and

28 (b) Two recipients who are students enrolled at:

29 (1) The University of Nevada, Las Vegas, or Nevada State
30 College;

31 (2) A nonprofit university which awards a bachelor's degree
32 in education to residents of southern Nevada; or

33 (3) Any other college or university which awards a
34 bachelor's degree in education and which is designated by the Board
35 as an institution representative of southern Nevada.

36 2. The Board shall establish additional criteria governing the
37 annual selection of each recipient of the Memorial Scholarship,
38 which must include, without limitation, a requirement that a
39 recipient:

40 (a) Be in or entering his or her senior year at an academic
41 institution described in subsection 1;

42 (b) Satisfy the eligibility requirements for a Millennium
43 Scholarship set forth in NRS 396.930;

44 (c) ~~Have~~ *Except as otherwise provided in section 29 of this*
45 *act, have* a college grade point average of not less than 3.5 on a 4.0



1 grading scale or, if enrolled at an academic institution that does not
2 use a grade point system to measure academic performance, present
3 evidence acceptable to the Board that demonstrates a commensurate
4 level of academic achievement;

5 (d) Have a declared major in elementary education or secondary
6 education;

7 (e) Have a stated commitment to teaching in this State following
8 graduation; and

9 (f) Have a record of community service.

10 3. A student who satisfies the criteria established pursuant to
11 this section may apply for a Memorial Scholarship by submitting an
12 application to the Office of the State Treasurer on a form provided
13 on the Internet website of the State Treasurer.

14 4. The State Treasurer shall forward all applications received
15 pursuant to subsection 3 to the Board. The Board shall review and
16 evaluate each application received from the State Treasurer and
17 select each recipient of the Memorial Scholarship in accordance
18 with the criteria established pursuant to this section.

19 5. To the extent of available money in the account established
20 pursuant to NRS 396.940, the annual Memorial Scholarship may be
21 awarded to each selected recipient in an amount not to exceed
22 \$5,000 to pay the educational expenses of the recipient for the
23 school year which are authorized by subsection 6 and which are not
24 otherwise paid for by the Millennium Scholarship awarded to the
25 recipient.

26 6. A Memorial Scholarship must be used only:

27 (a) For the payment of registration fees and laboratory fees and
28 expenses;

29 (b) To purchase required textbooks and course materials; and

30 (c) For other costs related to the attendance of the student at the
31 academic institution in which he or she is enrolled.

32 7. As used in this section, "Board" means the Board of
33 Trustees of the College Savings Plans of Nevada created by
34 NRS 353B.005.

35 **Sec. 38.** NRS 49.2545 is hereby amended to read as follows:

36 49.2545 "Victim's advocate" means a person who works for a
37 nonprofit program, a program of a university, state college or
38 community college within the Nevada System of Higher Education
39 or a program of a tribal organization which provides assistance to
40 victims *or who provides services to a victim of an alleged incident*
41 *of sexual misconduct pursuant to sections 2 to 32, inclusive, of*
42 *this act* with or without compensation and who has received at least
43 20 hours of relevant training.



1 **Sec. 38.5.** NRS 239.010 is hereby amended to read as follows:
2 239.010 1. Except as otherwise provided in this section and
3 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
4 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
5 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
6 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
7 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
8 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
9 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
10 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
11 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
12 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
13 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
14 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
15 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
16 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
17 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
18 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
19 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
20 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
21 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
22 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
23 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
24 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
25 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
26 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
27 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
28 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
29 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
30 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
31 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
32 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
33 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
34 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
35 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
36 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
37 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
38 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
39 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
40 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
41 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
42 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
43 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
44 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
45 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,



1 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
2 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
3 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
4 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
5 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
6 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
7 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
8 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
9 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
10 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
11 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
12 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
13 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
14 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
15 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
16 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
17 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
18 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
19 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
20 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
21 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
22 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
23 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
24 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
25 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
26 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
27 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
28 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
29 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
30 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
31 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
32 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
33 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
34 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
35 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
36 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
37 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600,
38 *sections 13, 14 and 30 of this act*, sections 35, 38 and 41 of chapter
39 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
40 of Nevada 2013 and unless otherwise declared by law to be
41 confidential, all public books and public records of a governmental
42 entity must be open at all times during office hours to inspection by
43 any person, and may be fully copied or an abstract or memorandum
44 may be prepared from those public books and public records. Any
45 such copies, abstracts or memoranda may be used to supply the



1 general public with copies, abstracts or memoranda of the records or
2 may be used in any other way to the advantage of the governmental
3 entity or of the general public. This section does not supersede or in
4 any manner affect the federal laws governing copyrights or enlarge,
5 diminish or affect in any other manner the rights of a person in any
6 written book or record which is copyrighted pursuant to federal law.

7 2. A governmental entity may not reject a book or record
8 which is copyrighted solely because it is copyrighted.

9 3. A governmental entity that has legal custody or control of a
10 public book or record shall not deny a request made pursuant to
11 subsection 1 to inspect or copy or receive a copy of a public book or
12 record on the basis that the requested public book or record contains
13 information that is confidential if the governmental entity can
14 redact, delete, conceal or separate, including, without limitation,
15 electronically, the confidential information from the information
16 included in the public book or record that is not otherwise
17 confidential.

18 4. If requested, a governmental entity shall provide a copy of a
19 public record in an electronic format by means of an electronic
20 medium. Nothing in this subsection requires a governmental entity
21 to provide a copy of a public record in an electronic format or by
22 means of an electronic medium if:

23 (a) The public record:

24 (1) Was not created or prepared in an electronic format; and

25 (2) Is not available in an electronic format; or

26 (b) Providing the public record in an electronic format or by
27 means of an electronic medium would:

28 (1) Give access to proprietary software; or

29 (2) Require the production of information that is confidential
30 and that cannot be redacted, deleted, concealed or separated from
31 information that is not otherwise confidential.

32 5. An officer, employee or agent of a governmental entity who
33 has legal custody or control of a public record:

34 (a) Shall not refuse to provide a copy of that public record in the
35 medium that is requested because the officer, employee or agent has
36 already prepared or would prefer to provide the copy in a different
37 medium.

38 (b) Except as otherwise provided in NRS 239.030, shall, upon
39 request, prepare the copy of the public record and shall not require
40 the person who has requested the copy to prepare the copy himself
41 or herself.

42 **Sec. 39.** The provisions of subsection 1 of NRS 218D.380 do
43 not apply to any provision of this act which adds or revises a
44 requirement to submit a report to the Legislature.



1 **Sec. 40.** 1. This section becomes effective upon passage and
2 approval.

3 2. Sections 1 to 39, inclusive, of this act become effective:

4 (a) Upon passage and approval for the purpose of adopting
5 regulations and performing any other preparatory administrative
6 tasks that are necessary to carry out the provisions of this act; and

7 (b) On July 1, 2022, for all other purposes.

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* A B 3 8 4 R 1 *