

(Reprinted with amendments adopted on April 20, 2021)

FIRST REPRINT

S.B. 347

SENATE BILL NO. 347—SENATOR SCHEIBLE

MARCH 24, 2021

Referred to Committee on Education

SUMMARY—Revises provisions governing sexual misconduct in institutions of the Nevada System of Higher Education. (BDR 34-237)

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

~

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

AN ACT relating to higher education; creating the Task Force on Sexual Misconduct at Institutions of Higher Education; prescribing the membership, duties and compensation of the Task Force; authorizing the Board of Regents of the University of Nevada to appoint researchers to develop a climate survey on sexual misconduct; authorizing the Board of Regents to require the institutions within the Nevada System of Higher Education to administer the climate survey to students; authorizing the imposition of additional requirements for the grievance process 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 a confidential resource advisor; 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 impose a fine in certain circumstances; 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.



* S B 3 4 7 R 1 *

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 creates
11 the Task Force on Sexual Misconduct at Institutions of Higher Education and
12 prescribes the membership of the Task Force. **Section 13** of this bill authorizes the
13 Board of Regents of the University of Nevada, to the extent money is available, to
14 appoint researchers to develop a climate survey on sexual misconduct and
15 prescribes the requirements of the climate survey. **Section 14** of this bill authorizes
16 the Board of Regents, to the extent money is available, to require an institution
17 within the Nevada System of Higher Education to conduct a climate survey on
18 sexual misconduct, and **section 15** of this bill sets forth the duties of the Board of
19 Regents regarding the climate survey.

20 **Section 16** of this bill authorizes the Board of Regents to require certain
21 employees of an institution to receive annual training on topics related to sexual
22 misconduct.

23 **Section 17** of this bill authorizes the Board of Regents to require an institution
24 within the System to adopt a policy on sexual misconduct and sets forth certain
25 requirements related to the adoption of the policy. **Section 18** of this bill prescribes
26 the information that must be included in a policy on sexual misconduct, if such a
27 policy is required to be adopted by an institution.

28 **Section 18.3** of this bill prescribes the requirements of the grievance process of
29 an institution within the System, which must be included with the policy on sexual
30 misconduct, if such a policy is required to be adopted.

31 **Section 18.5** of this bill authorizes the Board of Regents to require an
32 institution to enter into a memorandum of understanding with a local law
33 enforcement agency relating to the prevention of and response to alleged incidents
34 of sexual misconduct and sets forth the provisions that must be included in the
35 memorandum of understanding.

36 **Section 19** of this bill authorizes the Board of Regents to require an institution
37 to enter into a memorandum of understanding with an organization that assists
38 victims of sexual misconduct, and sets forth the provisions that may be included in
39 such a memorandum of understanding.

40 **Section 20** of this bill authorizes the Board of Regents to require an institution
41 within the System to designate a confidential resource advisor and provide training
42 to the advisor. **Section 21** of this bill sets forth the duties of the confidential
43 resource advisor if an advisor is designated by an institution. Under existing law,
44 certain communications between a victim and a victim's advocate are deemed to be
45 confidential. (NRS 49.2546) Existing law defines a victim's advocate as a person
46 who works for certain programs within the System that provide assistance to
47 victims of certain acts. (NRS 49.2545) **Section 28** of this bill includes the provision
48 of services pursuant to **sections 2-27** of this bill to victims of sexual misconduct in
49 the definition of a victim's advocate.

50 **Section 22** of this bill authorizes the Board of Regents to require an institution
51 within the System to prohibit sanctioning a reporting party or witness who reports
52 an incident of sexual misconduct for violating a policy of student conduct that
53 occurred during or related to the alleged incident of sexual misconduct.



54 **Section 23** of this bill authorizes the Board of Regents to require an institution
55 within the System to provide training on the grievance process of the institution to
56 certain employees. **Section 24** of this bill authorizes the Board of Regents to
57 require an institution within the System to provide programming on the awareness
58 and prevention of sexual misconduct to students and employees of the institution.

59 **Section 24.3** of this bill authorizes the Board of Regents to require an
60 institution within the System to conduct an investigation or hold a hearing
61 regarding an alleged incident of sexual misconduct. **Sections 24.7 and 24.8** of this
62 bill set forth the requirements for conducting an investigation and holding a
63 hearing, respectively. **Section 24.5** of this bill authorizes the Board of Regents to
64 require an institution within the System to consider a request from a reporting party
65 who is at least 18 years of age to keep the identity of the reporting party
66 confidential unless state or federal law requires disclosure or further action. **Section**
67 **24.9** of this bill authorizes an institution to issue a no-contact directive in certain
68 circumstances.

69 **Section 24.95** of this bill authorizes a student who has experienced sexual
70 misconduct to request a waiver from certain requirements of various scholarships or
71 academic activities. **Sections 27.1-27.9** of this bill make conforming changes
72 relating to such a waiver.

73 **Section 25** of this bill authorizes the Board of Regents to require an institution
74 within the System to submit an annual report to the Board of Regents on certain
75 information relating to sexual misconduct. **Section 25** also requires the Board of
76 Regents to compile the reports and submit the compilation to the Director of the
77 Department of Health and Human Services and to the Legislature or Legislative
78 Committee on Education.

79 **Section 26** of this bill authorizes the Board of Regents to impose a fine against
80 an institution that does not comply with the requirements imposed by the Board of
81 Regents pursuant to **sections 2-27**. **Section 27** of this bill authorizes the Board of
82 Regents to adopt regulations. **Section 28.5** of this bill makes certain information
83 generated pursuant to a climate survey on sexual misconduct and the annual report
84 on sexual misconduct prepared by an institution within the System confidential.
85 (NRS 293.010)

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 27, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 27, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 2.3 to 11, inclusive, of this act have the meanings*
7 *ascribed to them in those sections.*

8 **Sec. 2.3.** *“Course of conduct” means a pattern of two or*
9 *more acts that may include, without limitation, following,*
10 *monitoring, observing, surveilling, threatening or communicating*
11 *to or about a person or interfering with a person’s property,*
12 *whether through direct or indirect, implicit or explicit, verbal or*
13 *nonverbal or in-person or via virtual or electronic means.*



1 **Sec. 2.5.** *“Dating violence” has the meaning ascribed to it in*
2 *34 U.S.C. § 12291(a). The term includes, without limitation,*
3 *physical or sexual violence, emotional abuse, interfering with the*
4 *victim’s ability to secure a job or save money, violence or a threat*
5 *of violence toward the victim’s child, family, friends, pets or*
6 *property, threat of suicide by the perpetrator or a threat by the*
7 *perpetrator to report the victim to police, immigration officials,*
8 *child protective services or a mental health facility.*

9 **Sec. 3.** *“Domestic violence” has the meaning ascribed to it in*
10 *34 U.S.C. § 12291(a).*

11 **Sec. 4.** *“Reporting party” means a student or employee of an*
12 *institution within the System who reports being a victim of an*
13 *alleged incident of sexual misconduct to the institution.*

14 **Sec. 5.** *“Responding party” means a student or employee of*
15 *an institution within the System who has been accused of*
16 *committing an alleged incident of sexual misconduct by a*
17 *reporting party.*

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

20 **Sec. 7.** *“Sexual harassment” means conduct on the basis of*
21 *sex, whether direct or indirect, implicit or explicit, verbal or*
22 *nonverbal or in person or via virtual or electronic means, that*
23 *satisfies one or more of the following:*

24 1. *An employee of an institution within the System*
25 *conditioning the provision of an aid, benefit or service of the*
26 *institution or the terms, conditions or privileges of the*
27 *participation of a person in the education programs or activities of*
28 *the institution on the person’s participation in unwelcome sexual*
29 *conduct, including, without limitation:*

- 30 (a) *A sexual advance;*
31 (b) *A request for sexual favors; or*
32 (c) *Other conduct of a sexual nature.*

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

37 3. *Sexual assault, dating violence, domestic violence or*
38 *stalking.*

39 **Sec. 8.** *“Sexual misconduct” means sexual violence, dating*
40 *violence, domestic violence, gender-based violence, stalking,*
41 *harassment or violence based on sexual orientation, gender*
42 *identity or expression, sexual assault, sexual harassment, sexual*
43 *exploitation, stalking or other gender-based harassment or*
44 *violence.*



1 **Sec. 9.** *“Stalking” means engaging in a course of conduct*
2 *directed at a specific person that would cause a reasonable person*
3 *to:*

- 4 1. *Fear for his or her safety or the safety of others; or*
- 5 2. *Suffer substantial emotional distress.*

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

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

- 11 1. *The neurobiological causes and impacts of trauma; and*
- 12 2. *The influence of social myths and stereotypes surrounding*
13 *the causes and impacts of trauma.*

14 **Sec. 12.** 1. *There is hereby created the Task Force on*
15 *Sexual Misconduct at Institutions of Higher Education consisting*
16 *of 19 members as follows:*

- 17 (a) *The Chair of the Board of Regents, or his or her designee;*
- 18 (b) *The Chancellor of the System, or his or her designee;*
- 19 (c) *The Attorney General, or his or her designee;*
- 20 (d) *Twelve members appointed by the Board of Regents as*
21 *follows:*

- 22 (1) *One representative of a state college;*
- 23 (2) *One representative of a community college;*
- 24 (3) *One representative of a university;*
- 25 (4) *One Title IX coordinator from an institution within the*
26 *System;*

27 (5) *Two students who represent a group or organization*
28 *that focuses on multiculturalism, diversity or advocacy at a state*
29 *college or community college;*

30 (6) *Two students who represent a group or organization*
31 *that focuses on multiculturalism, diversity or advocacy at a*
32 *university;*

33 (7) *One researcher with experience in the development of*
34 *climate surveys on sexual misconduct;*

35 (8) *One researcher of statistics, data analytics or*
36 *econometrics with experience in survey analysis in higher*
37 *education;*

38 (9) *One medical professional from the University of*
39 *Nevada, Las Vegas, School of Medicine or the University of*
40 *Nevada, Reno, School of Medicine; and*

41 (10) *One mental health professional from the University of*
42 *Nevada, Las Vegas, School of Medicine or the University of*
43 *Nevada, Reno, School of Medicine;*



1 (e) *One representative of the Nevada Coalition to End*
2 *Domestic and Sexual Violence, or its successor organization,*
3 *appointed by the Attorney General;*

4 (f) *One representative of an organization supporting the rights*
5 *of victims of crime, appointed by the Attorney General;*

6 (g) *One representative of a nonprofit organization or agency*
7 *dedicated to addressing domestic violence or sexual assault,*
8 *appointed by the Attorney General; and*

9 (h) *One representative of the Every Voice Coalition, or a*
10 *successor organization dedicated to student and survivor advocacy*
11 *appointed by the Attorney General.*

12 2. *After the initial terms, each appointed member of the Task*
13 *Force serves a term of 2 years and may be reappointed to one*
14 *additional 2-year term following his or her initial term. A vacancy*
15 *must be filled in the same manner as the original appointment.*

16 3. *The Task Force shall, at its first meeting and each odd-*
17 *numbered year thereafter, elect a Chair from among its members.*

18 4. *The Task Force shall meet at least once annually and may*
19 *meet at other times upon the call of the Chair or a majority of the*
20 *members of the Task Force.*

21 5. *A majority of the members of the Task Force constitutes a*
22 *quorum, and a quorum may exercise all the power and authority*
23 *conferred on the Task Force.*

24 6. *Members of the Task Force serve without compensation,*
25 *except that for each day or portion of a day during which a*
26 *member of the Task Force attends a meeting of the Task Force or*
27 *is otherwise engaged in the business of the Task Force, and within*
28 *the limits of available money, the member is entitled to receive the*
29 *per diem allowance and travel expenses provided for state officers*
30 *and employees generally.*

31 7. *Each member of the Task Force who is an officer or*
32 *employee of the State or a local government must be relieved from*
33 *his or her duties without loss of his or her regular compensation*
34 *so that the member may prepare for and attend meetings of the*
35 *Task Force and perform any work necessary to carry out the*
36 *duties of the Task Force in the most timely manner practicable. A*
37 *state agency or local government shall not require an officer or*
38 *employee who is a member of the Task Force to make up the time*
39 *the member is absent from work to carry out his or her duties as a*
40 *member, and shall not require the member to take annual*
41 *vacation or compensatory time for the absence.*

42 8. *The Office of the Attorney General shall provide*
43 *administrative support to the Task Force.*

44 **Sec. 13.** 1. *To the extent that money is available, the Board*
45 *of Regents may appoint researchers employed at one or more*



1 *institutions within the System to develop a climate survey on*
2 *sexual misconduct designed to be administered at institutions*
3 *within the System. The climate survey on sexual misconduct must:*

- 4 (a) *Provide institution-specific data regarding the prevalence*
5 *of gender-based harassment and discrimination;*
6 (b) *Be fair and unbiased;*
7 (c) *Be scientifically valid and reliable; and*
8 (d) *Meet the highest standards of survey research.*

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

- 11 (a) *Use best practices from peer-reviewed research;*
12 (b) *Consult with persons with expertise in the development and*
13 *use of climate surveys on sexual misconduct at institutions of*
14 *higher education;*
15 (c) *Review climate surveys on sexual misconduct which have*
16 *been developed and implemented by institutions of higher*
17 *education, including, without limitation, institutions in other*
18 *states;*

19 (d) *Provide opportunity for written comment from*
20 *organizations that assist victims of sexual misconduct to ensure*
21 *the adequacy and appropriateness of any proposed content of the*
22 *climate survey on sexual misconduct;*

23 (e) *Consult with institutions within the System on strategies for*
24 *optimizing the effectiveness of the climate survey on sexual*
25 *misconduct; and*

26 (f) *Account for the diverse needs and differences of the*
27 *institutions within the System.*

28 3. *If a climate survey on sexual misconduct is developed, the*
29 *climate survey must request information on topics related to*
30 *sexual misconduct. The topics may include, without limitation:*

31 (a) *The estimated number of alleged incidents of sexual*
32 *misconduct, both reported and not reported, at an institution*
33 *within the System, if a student taking the survey has knowledge of*
34 *such information;*

35 (b) *When and where an alleged incident of sexual misconduct*
36 *occurred;*

37 (c) *Whether an alleged incident of sexual misconduct was*
38 *perpetrated by a student, faculty member, staff member of an*
39 *institution within the System, third party vendor or another*
40 *person;*

41 (d) *Awareness of a student of the policies and procedures*
42 *related to sexual misconduct at an institution;*

43 (e) *Whether a student reported an alleged incident of sexual*
44 *misconduct and:*



1 (1) *If the incident was reported, to which campus resource*
2 *or law enforcement agency a report was made; and*

3 (2) *If the incident was not reported, the reason the student*
4 *chose not to report the incident;*

5 (f) *Whether a student who reported an alleged incident of*
6 *sexual misconduct was:*

7 (1) *Offered supportive measures by an institution;*

8 (2) *Informed of, aware of or referred to campus, local or*
9 *state resources for support for victims, including, without*
10 *limitation, appropriate medical care and legal services; and*

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

13 (g) *Contextual factors in an alleged incident of sexual*
14 *misconduct, such as the involvement of force, incapacitation or*
15 *coercion;*

16 (h) *Demographic information that could be used to identify at-*
17 *risk groups, including, without limitation, the gender, race and*
18 *sexual orientation of the student taking the climate survey on*
19 *sexual misconduct;*

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

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

24 (k) *Whether a student chose to withdraw or take a leave of*
25 *absence from the institution or transfer to another institution*
26 *because the student is the reporting party or responding party in*
27 *an alleged incident of sexual misconduct;*

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

31 (m) *Whether a student experienced any financial impact as a*
32 *result of an alleged incident of sexual misconduct or the response*
33 *of an institution within the System to the alleged incident of sexual*
34 *misconduct;*

35 (n) *Whether a student experienced any negative health impacts*
36 *as a result of an alleged incident of sexual misconduct or the*
37 *response of an institution within the System to the alleged incident*
38 *of sexual misconduct, including, without limitation, post-*
39 *traumatic stress disorder, anxiety, depression, chronic pain or an*
40 *eating disorder;*

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



1 (p) Any other questions as determined necessary by the
2 researchers.

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

5 5. The climate survey on sexual misconduct must be provided
6 to the Task Force on Sexual Misconduct at Institutions of Higher
7 Education created pursuant to section 12 of this act for comment.

8 **Sec. 14.** 1. To the extent that money is available, the Board
9 of Regents may require each institution within the System to
10 conduct a climate survey on sexual misconduct at the institution
11 biennially.

12 2. If an institution within the System conducts a climate
13 survey on sexual misconduct pursuant to subsection 1, the
14 institution shall:

15 (a) Provide the survey to each student at the institution,
16 including, without limitation, students studying abroad;

17 (b) Not require the disclosure of personally identifying
18 information by a participant in the climate survey on sexual
19 misconduct;

20 (c) Work to ensure an adequate number of students complete
21 the survey to achieve a random and representative sample size of
22 students;

23 (d) Within 120 days after completion of the climate survey on
24 sexual misconduct:

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

26 (2) Submit the summary of responses to the Board of
27 Regents; and

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

30 (1) The summary of the responses to the climate survey on
31 sexual misconduct; and

32 (2) A link to the summary of the responses to the climate
33 survey on sexual misconduct on the Internet website maintained
34 by the Board of Regents.

35 3. A climate survey on sexual misconduct must be
36 administered electronically by an institution within the System and
37 provide reasonable accommodations for students with a disability.

38 4. An institution within the System may obtain a waiver from
39 the Board of Regents to not administer a climate survey on sexual
40 misconduct pursuant to this section due to the financial
41 circumstances of the institution.

42 5. An institution within the System may apply for and accept
43 any gifts, grants, donations, bequests or other money from any
44 source to carry out the provisions of this section.



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

4 **Sec. 15. 1.** If the Board of Regents requires an institution
5 within the System to conduct a climate survey on sexual
6 misconduct pursuant to section 14 of this act, the Board of
7 Regents shall to the extent that money is available:

8 (a) Provide a copy of the questions developed by the
9 researchers employed at an institution within the System pursuant
10 to section 13 of this act to each institution within a reasonable
11 time after the Board of Regents receives the questions from the
12 researchers;

13 (b) Establish a repository for the summaries of the climate
14 survey on sexual misconduct submitted by each institution
15 pursuant to section 14 of this act;

16 (c) Post each summary of the responses to a climate survey on
17 sexual misconduct submitted by an institution pursuant to section
18 14 of this act on the Internet website maintained by the Board of
19 Regents in a manner that does not disclose the identity of a
20 student;

21 (d) Adopt a policy on the dissemination, collection and
22 summation of the responses to the climate survey on sexual
23 misconduct; and

24 (e) On or before February 1 of each odd-numbered year,
25 report the summaries of the climate survey on sexual misconduct
26 submitted by an institution pursuant to section 14 of this act to the
27 Director of the Legislative Counsel Bureau for transmittal to the
28 Senate and Assembly Standing Committees on Education.

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

32 **Sec. 16.** The Board of Regents may require an institution
33 within the System to require employees who participate in the
34 grievance process of the institution pursuant to Title IX of the
35 Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or
36 a policy on sexual misconduct adopted pursuant to section 17 of
37 this act to receive annual training on topics related to sexual
38 misconduct which may include, without limitation, any training
39 required pursuant to section 23 of this act.

40 **Sec. 17. 1.** The Board of Regents may require an
41 institution within the System to adopt a policy on sexual
42 misconduct consistent with applicable state and federal law.

43 2. If the Board of Regents requires the adoption of a policy
44 on sexual misconduct pursuant to subsection 1, in developing the
45 policy on sexual misconduct, an institution within the System:



1 (a) *Shall:*

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

3 (2) *Coordinate with:*

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

5 (II) *If an institution has entered into a memorandum of*
6 *understanding pursuant to section 19 of this act, the organization*
7 *that assists victims of sexual misconduct; and*

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

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

12 (1) *Administrators at the institution;*

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

16 (3) *A confidential resource advisor designated pursuant to*
17 *section 20 of this act;*

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

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

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

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

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

27 (a) *Internal or external entities an opportunity to provide*
28 *comment on the initial policy on sexual misconduct or any*
29 *substantive change to the policy;*

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

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

35 4. *After an initial policy on sexual misconduct is adopted by*
36 *an institution within the System, the opportunity for comment by*
37 *an internal or external entity pursuant to subsection 3 applies only*
38 *to a substantive change to the policy, as determined by the*
39 *institution.*

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

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



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

2 6. *As used in this section, "student" includes, without*
3 *limitation, a former student of the institution who took a leave of*
4 *absence or withdrew from the institution due to being a reporting*
5 *party of an alleged incident of sexual misconduct.*

6 **Sec. 18.** 1. *If the Board of Regents requires the adoption of*
7 *a policy on sexual misconduct pursuant to section 17 of this act,*
8 *the policy must include, without limitation, information on:*

9 (a) *The procedures by which a student or employee at an*
10 *institution within the System may report or disclose an alleged*
11 *incident of sexual misconduct that occurred on or off a campus of*
12 *the institution;*

13 (b) *Obtaining emergency medical assistance after an alleged*
14 *incident of sexual misconduct, including, without limitation:*

15 (1) *The name and location of the nearest medical facility*
16 *where a student or employee may receive a forensic medical*
17 *examination;*

18 (2) *Options for transportation and reimbursement for travel*
19 *costs associated with obtaining a forensic medical examination;*

20 (3) *The telephone number and Internet website for a*
21 *national 24-hour hotline and any other state or local resources*
22 *that provide information on sexual misconduct; and*

23 (4) *Any programs that may provide financial assistance to a*
24 *student for the cost of obtaining emergency medical assistance;*

25 (c) *The types of counseling and health, safety, academic and*
26 *other support services available within the local community or*
27 *through an organization that assists victims of sexual misconduct,*
28 *including, without limitation, the contact information for any*
29 *relevant providers of support services;*

30 (d) *The name, contact information and a description of the*
31 *role of and services provided by:*

32 (1) *A confidential resource advisor designated by the*
33 *institution pursuant to section 20 of this act;*

34 (2) *The Title IX coordinator of the institution;*

35 (3) *An organization that supports persons accused of*
36 *sexual misconduct; and*

37 (4) *An organization that assists victims of sexual*
38 *misconduct;*

39 (e) *The rights or obligations of a student or employee to:*

40 (1) *Notify or decline to notify a law enforcement agency of*
41 *an alleged incident of sexual misconduct;*

42 (2) *Receive assistance from the appropriate personnel on a*
43 *campus of the institution in notifying a law enforcement agency of*
44 *an alleged incident of sexual misconduct;*



1 (3) Obtain an order for protection, restraining order or
2 injunction issued by a court; or

3 (4) Obtain an agreement between the reporting party and
4 responding party to restrict contact;

5 (f) Procedures for a student or employee to notify an
6 institution that an order for protection, restraining order or
7 injunction has been issued under state or federal law;

8 (g) The responsibilities of the institution upon receipt of the
9 notice of an order for protection, restraining order or injunction;

10 (h) Supportive measures, including, without limitation:

11 (1) Changing academic, living, campus transportation or
12 work arrangements;

13 (2) Taking a leave of absence from the institution in
14 response to an alleged incident of sexual misconduct;

15 (3) How to request supportive measures; and

16 (4) The process to have any supportive measures reviewed
17 by the institution;

18 (i) Appropriate local, state and federal law enforcement
19 agencies, including, without limitation, the contact information
20 for a law enforcement agency; and

21 (j) The grievance process of the institution for investigating
22 and resolving a report of an alleged incident of sexual misconduct
23 pursuant to Title IX of the Education Amendments Act of 1972, 20
24 U.S.C. §§ 1681 et seq., the policy on sexual misconduct adopted
25 pursuant to section 17 of this act and, if required by the Board of
26 Regents, the requirements of section 16 of this act.

27 2. As used in this section:

28 (a) "Forensic medical examination" has the meaning ascribed
29 to it in NRS 217.300.

30 (b) "Student" includes, without limitation, a former student of
31 the institution who took a leave of absence or withdrew from the
32 institution because the student was a reporting party of an alleged
33 incident of sexual misconduct.

34 **Sec. 18.3. 1.** The grievance process of an institution within
35 the System relating to reports of an alleged incident of sexual
36 misconduct must require the institution to, without limitation:

37 (a) Uniformly apply the grievance process to all proceedings
38 relating to reports of an alleged incident of sexual misconduct.

39 (b) Provide timely and detailed notice to the reporting party
40 and the responding party at the time the institution decides to
41 proceed with any proceeding of the grievance process. The notice
42 must describe:

43 (1) The date, time and location of the proceeding of the
44 grievance process, if known; and



1 (2) *A summary of the factual allegations concerning the*
2 *alleged incident of sexual misconduct.*

3 (c) *Authorize the reporting party and the responding party to*
4 *be accompanied by or consult with an advisor or a support person*
5 *of their choice, including, without limitation, a confidential*
6 *resource advisor designated pursuant to section 20 of this act or*
7 *an attorney, during a meeting with an investigator or fact finder of*
8 *the institution or any other proceeding of the grievance process.*
9 *An institution may establish guidelines on the extent to which an*
10 *advisor or support person may participate in a meeting or other*
11 *proceeding of the grievance process, which must apply equally to*
12 *both the reporting party and the responding party.*

13 (d) *Provide the reporting party and responding party with a*
14 *copy of the policies of the institution regarding the submission and*
15 *consideration of evidence that may be considered during the*
16 *grievance process.*

17 (e) *Provide an equal opportunity to the reporting party and the*
18 *responding party to present evidence and witnesses on their behalf*
19 *during a proceeding of the grievance process. A reporting party*
20 *and responding party must be provided with timely and equal*
21 *access to all relevant evidence that will be used in a determination*
22 *of the proceeding.*

23 (f) *Inform students on restrictions on evidence that can be*
24 *considered by the fact finder of the institution, including, without*
25 *limitation, restrictions on the use of evidence of previous sexual*
26 *activity of either party or the use of character witnesses.*

27 (g) *Inform the reporting party and the responding party of:*

28 (1) *The results of a proceeding of the grievance process not*
29 *later than 7 business days after a determination has been made;*

30 (2) *The right of both the reporting party and the responding*
31 *party to appeal a determination where:*

32 (I) *There are procedural errors;*

33 (II) *Previously unavailable relevant evidence that could*
34 *significantly impact the outcome of a case is discovered; or*

35 (III) *The sanction is disproportionate to the findings;*

36 (3) *The process for appealing a determination; and*

37 (4) *That the reporting party and the responding party have*
38 *an equal opportunity to appeal a determination regarding a*
39 *finding of responsibility or the imposition of sanctions in*
40 *accordance with the appeals process of the institution; and*

41 (h) *Unless otherwise required by state or federal law, not*
42 *disclose the identity of a reporting party or responding party,*
43 *including, without limitation, an address, job location, telephone*
44 *number, electronic mail address or other contact information or*



1 *information that may disclose the location of a party to the other*
2 *party.*

3 *2. If the Board of Regents requires the adoption of a policy*
4 *on sexual misconduct pursuant to section 17 of this act, the policy*
5 *must contain clear statements of the information described in*
6 *subsection 1 and a statement that the grievance process of the*
7 *institution is not a substitute for the system of criminal justice.*

8 **Sec. 18.5.** *1. To the extent practicable, the Board of*
9 *Regents may require an institution within the System to enter into*
10 *a memorandum of understanding with a local law enforcement*
11 *agency of the jurisdiction in which the main campus of the*
12 *institution is located to establish the respective roles and*
13 *responsibilities of the institution and the law enforcement agency*
14 *relating to the prevention of and response to alleged incidents of*
15 *sexual misconduct on-campus and off-campus. Such a*
16 *memorandum of understanding must, without limitation:*

17 *(a) Establish the jurisdiction of the local law enforcement*
18 *agency based on criteria, including, without limitation, the*
19 *location and type of an alleged incident of sexual misconduct;*

20 *(b) Provide for a cross-jurisdictional or multi-jurisdictional*
21 *response or investigation, as appropriate, including, without*
22 *limitation:*

23 *(1) Developing standards for measures for notification and*
24 *communication to promote the preservation of evidence;*

25 *(2) Coordinating training, programming and standards on*
26 *issues relating to sexual misconduct; and*

27 *(3) Ensuring that reporting parties are able to move safely*
28 *and comfortably between classes, extracurricular activities and*
29 *campus jobs; and*

30 *(c) In accordance with state and federal law, establish*
31 *protocols for the release of relevant documentation and*
32 *information relating to an alleged incident of sexual misconduct*
33 *to the law enforcement agency during an investigation conducted*
34 *by the institution or the law enforcement agency in investigations*
35 *where a student or employee of the institution consents to the*
36 *release and is fully informed of the consequences of releasing*
37 *such documentation or information;*

38 *(d) Establish methods for sharing information, as appropriate*
39 *relating to the reporting requirements of the Clery Act, 20 U.S.C. §*
40 *1092, and facilitating the issuance of timely warnings and*
41 *emergency notifications required by the Clery Act, 20 U.S.C. §*
42 *1092; and*

43 *(e) Include methods for notifying a district attorney of the*
44 *county where the main campus of the institution is located of an*
45 *alleged incident of sexual misconduct, as appropriate.*



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

5 3. If the Board of Regents requires an institution within the
6 System to enter into a memorandum of understanding pursuant to
7 subsection 1, the Board of Regents may waive the requirement if
8 the institution demonstrates that it acted in good faith to enter into
9 a memorandum of understanding but was unable to do so.

10 4. To the extent that money is available, an employee of a
11 local law enforcement agency with which an institution within the
12 System enters into a memorandum of understanding pursuant to
13 subsection 1 who acts as a first responder on a consistent basis to
14 a report of an alleged incident of sexual misconduct at the
15 institution shall receive training in the awareness of sexual
16 misconduct and a trauma-informed response.

17 5. If an institution is located in the jurisdiction of more than
18 one local law enforcement agency, only one memorandum of
19 understanding between the institution and a local law enforcement
20 agency is necessary to comply with this section.

21 **Sec. 19. 1.** The Board of Regents may require an
22 institution within the System to enter into a memorandum of
23 understanding with an organization that assists victims of sexual
24 misconduct. The memorandum of understanding may, without
25 limitation:

26 (a) Ensure cooperation and training between the institution
27 and the organization that assists victims of sexual misconduct to
28 ensure an understanding of the:

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

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

35 (b) Provide for office space on a campus of the institution for a
36 confidential resource advisor from the organization that assists
37 victims of sexual misconduct to confidentially meet with a student
38 or employee;

39 (c) Require an organization that assists victims of sexual
40 misconduct to:

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

43 (2) Provide an alternative for a student or employee of the
44 institution to receive free and confidential counseling, advocacy or
45 crisis services related to an alleged incident of sexual misconduct



1 *that are located on or off a campus of the institution, including,*
2 *without limitation:*

3 *(I) Access to a health care provider who specializes in*
4 *forensic medical examinations;*

5 *(II) Confidential services to a victim of sexual*
6 *misconduct; and*

7 *(III) Consultation on a report of an alleged incident of*
8 *sexual misconduct made by a victim or a case in which a victim is*
9 *involved;*

10 *(3) Training victim's advocates;*

11 *(4) The development and implementation of education and*
12 *prevention programs for students of the institution; and*

13 *(5) The development and implementation of training and*
14 *prevention curriculum for employees of the institution; and*

15 *(d) Include a fee structure for any services provided by the*
16 *organization that assists victims of sexual misconduct.*

17 *2. If the Board of Regents requires an institution within the*
18 *System to enter into a memorandum of understanding pursuant to*
19 *subsection 1, the Board of Regents may waive the requirement to*
20 *enter into a memorandum of understanding if an institution*
21 *demonstrates that it acted in good faith to enter into a*
22 *memorandum of understanding but was unable to do so.*

23 *3. As used in this section:*

24 *(a) "Forensic medical examination" has the meaning ascribed*
25 *to it in NRS 217.300.*

26 *(b) "Student" includes, without limitation, a former student of*
27 *the institution who took a leave of absence or withdrew from the*
28 *institution because the student was a reporting party of an alleged*
29 *incident of sexual misconduct.*

30 **Sec. 20.** *The Board of Regents may require an*
31 *institution within the System to designate a confidential resource*
32 *advisor. If the Board of Regents requires the designation of a*
33 *confidential resource advisor an institution may:*

34 *(a) Partner with an organization that assists victims of sexual*
35 *misconduct to designate a confidential resource advisor;*

36 *(b) If the institution enrolls less than 1,000 students who reside*
37 *in campus housing, partner with another institution within the*
38 *System to designate a confidential resource advisor; or*

39 *(c) Designate existing categories of employees who may serve*
40 *as a confidential resource advisor.*

41 *2. A confidential resource advisor designated pursuant to*
42 *subsection 1:*

43 *(a) May have another role at the institution;*

44 *(b) Must not be a student, a Title IX coordinator, a member of*
45 *campus police or law enforcement or any other official of the*



1 *institution who is authorized to initiate a disciplinary proceeding*
2 *on behalf of the institution or whose position at the institution may*
3 *create a conflict of interest;*

4 *(c) Must be designated based on the experience and*
5 *demonstrated ability of the person to effectively provide victim*
6 *services related to sexual misconduct; and*

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

8 **3. If an institution within the System designates a**
9 **confidential resource advisor pursuant to subsection 1, the**
10 **institution shall provide training to the confidential resource**
11 **advisor on:**

12 *(a) The awareness and prevention of sexual misconduct;*

13 *(b) Title IX of the Education Amendments Act of 1972,*
14 *20 U.S.C. §§ 1681 et seq.;*

15 *(c) Any policy on sexual misconduct adopted by the institution*
16 *pursuant to section 17 of this act; and*

17 *(d) Trauma-informed responses to a report of an alleged*
18 *incident of sexual misconduct.*

19 **4. An institution within the System that designates a**
20 **confidential resource advisor pursuant to subsection 1 shall**
21 **ensure the availability of a confidential resource advisor to**
22 **students within a reasonable distance from the institution or by**
23 **electronic means if it is not practicable to provide for the**
24 **availability of a confidential resource advisor in person.**

25 **Sec. 21. 1. If a confidential resource advisor is designated**
26 **pursuant to section 20 of this act, the confidential resource advisor**
27 **shall:**

28 *(a) If an institution within the System has entered into a*
29 *memorandum of understanding pursuant to section 19 of this act,*
30 *coordinate with the organization that assists victims of sexual*
31 *misconduct;*

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

34 *(1) Options on how to report an alleged incident of sexual*
35 *misconduct and the processes for and effects of each option;*

36 *(2) Counseling services available on a campus of the*
37 *institution and through a local organization that assists victims of*
38 *sexual misconduct;*

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

41 *(4) Available supportive measures;*

42 *(5) Counseling related to student loans, including, without*
43 *limitation, loan deferment, forbearance or other programs for*
44 *students considering a leave of absence from, withdrawal from or*
45 *part-time enrollment at the institution;*



1 (6) *The grievance process of the institution and that the*
2 *grievance process is not a substitute for the system of criminal*
3 *justice;*

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

6 (8) *Any limits on the ability of the confidential resource*
7 *advisor to provide privacy or confidentiality to the student or*
8 *employee; and*

9 (9) *A policy on sexual misconduct adopted by the institution*
10 *pursuant to section 17 of this act;*

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

14 (d) *Unless otherwise required by state or federal law, not be*
15 *required to report an alleged incident of sexual misconduct to the*
16 *institution or a law enforcement agency;*

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

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

20 (g) *Unless otherwise required by state or federal law, not*
21 *disclose confidential information without the prior written consent*
22 *of the student or employee who shared the information;*

23 (h) *Support a reporting party in obtaining supportive measures*
24 *to ensure the reporting party has continued access to education;*

25 (i) *Notify all staff of the institution who are involved in*
26 *providing or enforcing supportive measures of the duties of the*
27 *staff and ensure staff are trained; and*

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

30 2. *If a confidential resource advisor is designated pursuant to*
31 *section 20 of this act, the confidential resource advisor may:*

32 (a) *If appropriate and if directed by a student or employee,*
33 *assist the student or employee in reporting an alleged incident of*
34 *sexual misconduct to the institution or a law enforcement agency;*
35 *and*

36 (b) *Attend a disciplinary proceeding of the institution as the*
37 *advisor or support person of a reporting party.*

38 3. *Notice to a confidential resource advisor of an alleged*
39 *incident of sexual misconduct or the performance of services by a*
40 *confidential resource advisor pursuant to this section must not be*
41 *considered actual or constructive notice of an alleged incident of*
42 *sexual misconduct to the institution within the System which*
43 *designated the confidential resource advisor pursuant to section*
44 *20 of this act.*



1 4. *If a conflict of interest arises between the institution within*
2 *the System which designated a confidential resource advisor and*
3 *the confidential resource advisor in advocating for the provision*
4 *of supportive measures by the institution to a reporting party or a*
5 *responding party, the institution shall not discipline, penalize or*
6 *otherwise retaliate against the confidential resource advisor for*
7 *advocating for the reporting party or the responding party.*

8 **Sec. 22.** *1. The Board of Regents may prohibit an*
9 *institution within the System from subjecting a reporting party or*
10 *a witness who reports an alleged incident of sexual misconduct to*
11 *a disciplinary proceeding or sanction for a violation of a policy on*
12 *student conduct related to drug or alcohol use, trespassing or*
13 *unauthorized entry of school facilities or other violation of a*
14 *policy of an institution that occurred during or related to an*
15 *alleged incident of sexual misconduct unless the institution*
16 *determines that the:*

17 (a) *Report of an alleged incident of sexual misconduct was not*
18 *made in good faith; or*

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

22 2. *The Board of Regents may require an institution within the*
23 *System to review any disciplinary action taken against a reporting*
24 *party or witness to determine if there is any connection between*
25 *the alleged incident of sexual misconduct that was reported and*
26 *the misconduct that led to the reporting party or witness being*
27 *disciplined.*

28 **Sec. 23.** *1. The Board of Regents may require an*
29 *institution within the System to provide training on the grievance*
30 *process of the institution to an employee who is a participant in*
31 *the grievance process. The training must include, without*
32 *limitation:*

33 (a) *How to respond to and otherwise address a report of an*
34 *alleged incident of sexual misconduct;*

35 (b) *Information on working with and interviewing victims of*
36 *sexual misconduct;*

37 (c) *Information on particular types of sexual misconduct,*
38 *including, without limitation, domestic violence and sexual*
39 *assault;*

40 (d) *An explanation of consent as it applies to a sexual act or*
41 *sexual conduct with another person;*

42 (e) *The manner in which drugs and alcohol may affect the*
43 *ability of a person to consent to a sexual act or sexual conduct*
44 *with another person;*



1 (f) *The effects of trauma, including, without limitation, any*
2 *neurobiological impact on a person;*

3 (g) *Training in cultural competency regarding how sexual*
4 *misconduct may impact students differently depending on, without*
5 *limitation, the race, color, national origin, sex, ethnicity, religion,*
6 *gender identity or expression, sexual orientation, economic status*
7 *or pregnancy or parenting status of a student;*

8 (h) *Information regarding how sexual misconduct may impact*
9 *students with disabilities;*

10 (i) *Ways to communicate appropriately with a reporting party;*

11 (j) *Ways to communicate appropriately with a responding*
12 *party, including, without limitation, an awareness of the emotional*
13 *impact of being wrongly accused; and*

14 (k) *Information regarding re-traumatization and blaming of a*
15 *victim.*

16 2. *The Board of Regents may require an institution within the*
17 *System to train the Title IX coordinator and members of*
18 *the campus police or safety personnel of the institution in the*
19 *awareness of sexual misconduct and in trauma-informed response*
20 *to an alleged incident of sexual misconduct.*

21 **Sec. 24. 1.** *The Board of Regents may require an*
22 *institution within the System to provide annual programming on*
23 *awareness and prevention of sexual misconduct to all students and*
24 *employees of the institution. If the Board of Regents requires an*
25 *institution to provide programming on awareness and prevention*
26 *of sexual misconduct, the programming must include, without*
27 *limitation:*

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

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

33 (c) *Information on options for reporting an alleged incident of*
34 *sexual misconduct, the effects of each option and the method to*
35 *file a report under each option, including, without limitation, a*
36 *description of the confidentiality and anonymity, as applicable, of*
37 *a report;*

38 (d) *Information on the grievance process of the institution for*
39 *addressing a report of an alleged incident of sexual misconduct,*
40 *including, without limitation, a policy on sexual misconduct*
41 *adopted pursuant to section 17 of this act;*

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



1 (f) *If a confidential resource advisor is designated pursuant to*
2 *section 20 of this act, the name, contact information and role of*
3 *the confidential resource advisor;*

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

5 (h) *Strategies for reduction of the risk of sexual misconduct;*
6 *and*

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

9 2. *If an institution provides programming on awareness and*
10 *prevention of sexual misconduct pursuant to subsection 1, the*
11 *institution:*

12 (a) *Shall coordinate with the Title IX coordinator of the*
13 *institution;*

14 (b) *May coordinate with a law enforcement agency and, if the*
15 *institution entered into a memorandum of understanding with an*
16 *organization that assists victims of sexual misconduct pursuant to*
17 *section 19 of this act, that organization; and*

18 (c) *Shall require students or employees to attend the*
19 *programming on the awareness and prevention of sexual*
20 *misconduct.*

21 3. *If an institution provides programming on awareness and*
22 *prevention of sexual misconduct pursuant to subsection 1, the*
23 *programming must be trauma-informed, inclusive of persons who*
24 *are lesbian, gay, bisexual, transgender or questioning, culturally*
25 *responsive and address the unique experiences and challenges*
26 *faced by students based on the race, ethnicity, national origin,*
27 *economic status, disability, gender identity or expression,*
28 *immigration status and sexual orientation of a student.*

29 **Sec. 24.3.** 1. *The Board of Regents may require an*
30 *institution within the System that receives a report or has reason*
31 *to know of an alleged incident of sexual misconduct that involves*
32 *a student or employee of the institution, to:*

33 (a) *If necessary, conduct an investigation pursuant to section*
34 *24.7 of this act;*

35 (b) *If necessary, hold a hearing pursuant to section 24.8 of this*
36 *act;*

37 (c) *Comply with subsection 2 of section 18 of this act; and*

38 (d) *If the alleged incident of sexual misconduct is determined*
39 *to have occurred based on a preponderance of the evidence, take*
40 *reasonable steps in response to the incident of sexual misconduct,*
41 *including, without limitation, addressing a hostile environment, if*
42 *such an environment has been created, preventing the recurrence*
43 *of the conduct and addressing the effects of the conduct.*

44 2. *If an institution within the System conducts an*
45 *investigation pursuant to section 24.7 of this act or holds a*



1 *hearing pursuant to section 24.8 of this act, the institution shall*
2 *inform both the reporting party and the responding party of the*
3 *investigation or hearing in a way that both the reporting party and*
4 *responding party have the opportunity to meaningfully exercise*
5 *their rights to a grievance process that is prompt, fair and*
6 *impartial and include, without limitation, any information posted*
7 *on the Internet website of the institution relating to the grievance*
8 *process of the institution.*

9 3. *An institution shall be deemed to know, or reasonably*
10 *should know, about a possible incident of sexual misconduct if an*
11 *employee with a duty to report an incident of sexual misconduct*
12 *knew of the possible incident of sexual misconduct or, in the*
13 *exercise of reasonable care, should have known of, the possible*
14 *incident of sexual misconduct.*

15 4. *As used in this section, "hostile environment" means an*
16 *environment where a student or employee experiences harassment*
17 *that is sufficiently severe, persistent or pervasive enough to limit*
18 *or deny:*

19 (a) *A student the ability to effectively participate in or benefit*
20 *from the programs and education offered by the institution; or*

21 (b) *An employee the ability to effectively or comfortably work*
22 *at the institution.*

23 **Sec. 24.5. 1.** *The Board of Regents may require an*
24 *institution within the System to consider a request from a*
25 *reporting party who is 18 years of age or older to keep the identity*
26 *of the reporting party confidential or take no investigative or*
27 *disciplinary action against a responding party. An institution shall*
28 *not grant such a request if state or federal law requires disclosure*
29 *or further action. In determining whether to grant such a request,*
30 *the institution shall consider whether there is a risk that the*
31 *responding party may commit additional acts of sexual*
32 *misconduct, violence, discrimination or harassment based on*
33 *whether one or more of the following factors are present to a*
34 *sufficient degree:*

35 (a) *There are any previous or existing reports of an incident of*
36 *sexual misconduct, violence, discrimination or harassment against*
37 *the responding party;*

38 (b) *The responding party allegedly used a weapon;*

39 (c) *The responding party threatened violence, discrimination*
40 *or harassment against the reporting party or other persons;*

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

43 (e) *The circumstances surrounding the alleged incident of*
44 *sexual misconduct indicate that the incident was premeditated*



1 *and, if so, whether the responding party or another person*
2 *allegedly premeditated the incident;*

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

6 *(g) The institution is able to conduct a thorough investigation*
7 *and obtain relevant evidence without the cooperation of the*
8 *reporting party; and*

9 *(h) There are any other factors that indicate the responding*
10 *party may repeat the behavior alleged by the reporting party or*
11 *that the reporting party or other persons may be at risk of harm.*

12 *2. If an institution within the System grants a request for*
13 *confidentiality or to not take any investigative or disciplinary*
14 *action pursuant to subsection 1, the institution shall take*
15 *reasonable steps to, without initiating formal action against the*
16 *responding party:*

17 *(a) Respond to the report of the alleged incident of sexual*
18 *misconduct while maintaining the confidentiality of the reporting*
19 *party;*

20 *(b) Limit the effects of the alleged incident of sexual*
21 *misconduct; and*

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

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

25 *(a) Increased monitoring, supervision or security at locations*
26 *or activities where the alleged incident of sexual misconduct*
27 *occurred;*

28 *(b) Providing additional training and educational materials for*
29 *students and employees, including, without limitation, information*
30 *on options for anonymous reporting, confidential reporting,*
31 *formal complaints and informal resolutions; or*

32 *(c) Ensuring a reporting party is informed of and has access to*
33 *appropriate supportive measures.*

34 *4. If an institution within the System grants a request for*
35 *confidentiality or to not take any investigative or disciplinary*
36 *action pursuant to subsection 1, the institution shall inform the*
37 *reporting party that the ability of the institution to respond to the*
38 *report of the alleged incident of sexual misconduct will be limited*
39 *by the request.*

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



1 (a) Inform the reporting party of the determination before
2 disclosing the identity of the reporting party or initiating an
3 investigation;

4 (b) Provide supportive measures for the reporting party; and

5 (c) If requested by the reporting party, inform the responding
6 party that the reporting party asked the institution not to take
7 investigative or disciplinary action against the responding party.

8 **Sec. 24.7. 1.** In conducting an investigation of an alleged
9 incident of sexual misconduct an institution within the System
10 shall:

11 (a) Provide the reporting party and the responding party the
12 opportunity to identify witnesses and other evidence to assist the
13 institution in determining whether an alleged incident of sexual
14 misconduct has occurred;

15 (b) Inform the reporting party and the responding party that
16 any evidence available to the party but not disclosed during the
17 investigation might not be considered at a subsequent hearing;
18 and

19 (c) Equitably collect and use evidence, including, without
20 limitation, providing that:

21 (1) Except as otherwise authorized by this section, an
22 investigator may not consider the sexual history of a reporting
23 party or responding party;

24 (2) An investigator may not consider any previous or
25 subsequent sexual history between the reporting party and any
26 party other than the responding party unless the history is directly
27 relevant to prove that any physical injuries alleged to have been
28 inflicted by the responding party were inflicted by another person;

29 (3) An investigator may not consider the existence of a
30 dating relationship or previous or subsequent consensual sexual
31 conduct between the reporting party and the responding party
32 unless the evidence is relevant to demonstrate how the parties
33 communicated consent in previous or subsequent consensual
34 sexual conduct; and

35 (4) An investigator shall provide a written and verbal
36 explanation to the reporting party and the responding party as to
37 why consideration of any evidence is consistent with this
38 paragraph before proffering any evidence for consideration in an
39 investigation or hearing.

40 2. The fact that a reporting party and responding party
41 engaged in any previous or subsequent consensual sexual
42 relations is not by itself sufficient to establish that the conduct in
43 question was consensual.



1 3. *Notwithstanding the provisions of section 24.8 of this act,*
2 *an investigation conducted in response to an alleged incident of*
3 *sexual misconduct must take not more than 120 days.*

4 4. *An institution within the System shall provide periodic*
5 *updates on the investigation to the reporting party and the*
6 *responding party regarding the timeline of the investigation.*

7 5. *An institution within the System shall notify the reporting*
8 *party and the responding party of the findings of an investigation*
9 *simultaneously.*

10 6. *If an institution within the System imposes any disciplinary*
11 *action based on the findings of an investigation on a responding*
12 *party, such disciplinary action must be imposed in accordance*
13 *with the grievance process of the institution.*

14 **Sec. 24.8.** 1. *After conducting an investigation pursuant to*
15 *section 24.7 of this act, an institution within the System shall*
16 *determine whether to hold a hearing. In determining whether to*
17 *hold a hearing, the institution may consider whether the reporting*
18 *party and responding party cooperated in the investigation and*
19 *whether each party had the opportunity to suggest questions to be*
20 *asked of the other party or witnesses, or both, during the*
21 *investigation. The following rules apply to any hearing conducted*
22 *pursuant to this section:*

23 (a) *Except as otherwise determined by the hearing officer, the*
24 *reporting party or responding party may not introduce evidence,*
25 *including, without limitation, witness testimony, at the hearing*
26 *that was not disclosed or available during the investigation*
27 *conducted pursuant to section 24.7 of this act. The hearing officer*
28 *may accept such evidence for good cause.*

29 (b) *Except as otherwise required by federal law, any cross*
30 *examination of the reporting party, the responding party or any*
31 *witness may not be conducted directly by the reporting party or*
32 *responding party, or an advisor to the reporting party or*
33 *responding party, as applicable.*

34 (c) *The reporting party, the responding party or any witness*
35 *may request to answer questions by videoconference.*

36 (d) *The reporting party and the responding party shall have*
37 *the opportunity to submit written questions to the hearing officer*
38 *in advance of the hearing. At the hearing, the reporting party and*
39 *the responding party shall have the opportunity to note an*
40 *objection to any question posed by the other party. The hearing*
41 *officer may limit objections to written form. The hearing officer*
42 *shall note an objection on the record, but is not otherwise required*
43 *to respond to an objection. The hearing officer shall discard or*
44 *rephrase any question the hearing officer deems to be repetitive,*
45 *irrelevant or harassing. In making a determination pursuant to*



1 *this paragraph, the hearing officer may use, but is not bound by,*
2 *the rules of evidence at common law.*

3 (e) *All determinations must be based on a preponderance of*
4 *evidence.*

5 2. *Except as otherwise provided in this subsection, an*
6 *institution within the System that receives a report shall take not*
7 *more than 60 calendar days to reach a final determination*
8 *regarding the alleged incident of sexual misconduct. An*
9 *institution may take more than 60 calendar days to reach a final*
10 *determination for good cause, which includes, without limitation,*
11 *unworked holiday breaks, a mutual agreement of the reporting*
12 *party and the responding party or waiting for evidence that has*
13 *been requested from a third party. Good cause does not include,*
14 *without limitation, worked holiday breaks, distance barriers that*
15 *can be overcome through videoconferencing, graduation of one of*
16 *the parties, unnecessary requests for delay that the institution*
17 *reasonably perceives to be delay tactics or police investigations*
18 *that require more than a temporary delay.*

19 3. *The institution shall inform the parties of the appeals*
20 *process in accordance with its grievance process.*

21 4. *An institution within the System shall provide periodic*
22 *updates on any hearing or appeals process to the reporting party*
23 *and responding party, including, without limitation, written notice*
24 *of any delays.*

25 **Sec. 24.9.** 1. *An institution within the System may issue a*
26 *no-contact directive prohibiting the responding party and the*
27 *reporting party from contacting each other during the pendency of*
28 *an investigation and hearing. An institution may issue a no-*
29 *contact directive if the directive is necessary to:*

30 (a) *Protect the safety or well-being of either the reporting party*
31 *or the responding party; or*

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

33 2. *A no-contact directive issued after a decision of*
34 *responsibility against the responding party has been made is*
35 *unilateral and applies only against the responding party.*

36 3. *If an institution issues a mutual no-contact directive, the*
37 *institution shall provide the reporting party and the responding*
38 *party with a written justification for the directive and an*
39 *explanation of the terms of the directive, including, without*
40 *limitation, a description of the circumstances, if any, under which*
41 *a violation of the directive may subject the party to disciplinary*
42 *action.*

43 **Sec. 24.95.** 1. *A student who experiences sexual*
44 *misconduct may request a waiver from any requirement to*
45 *maintain a certain grade point average, credit enrollment, or other*



1 *academic or disciplinary record requirement relating to academic*
2 *success for any scholarship, grant or other academic program*
3 *offered by an institution within the System. A waiver may be*
4 *granted by a confidential resource advisor designated pursuant to*
5 *section 20 of this act, the Title IX coordinator of the institution, a*
6 *law enforcement officer employed by the institution, an academic*
7 *advisor or staff member of a disability resource center of the*
8 *institution.*

9 2. *A student or employee who experiences sexual misconduct*
10 *must be granted a request to take a leave of absence or, to the*
11 *extent practicable, extend benefits of employment.*

12 **Sec. 25. 1.** *The Board of Regents may require an*
13 *institution within the System to prepare and submit to the Board of*
14 *Regents an annual report that includes, without limitation:*

15 (a) *The total number of reports of alleged incidents of sexual*
16 *misconduct made to the institution;*

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

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

22 (d) *The number of persons sanctioned by the institution as a*
23 *result of a finding of responsibility for an incident of sexual*
24 *misconduct or the number of remedies provided to a reporting*
25 *party;*

26 (e) *The number of persons who submitted requests for*
27 *supportive measures and the number of persons who received*
28 *supportive measures; and*

29 (f) *The number of reporting parties who took a leave of*
30 *absence, transferred to another institution or withdrew from the*
31 *institution.*

32 2. *A report submitted pursuant to subsection 1 must not*
33 *contain any personally identifiable information of a student or*
34 *employee of an institution within the System.*

35 3. *If the Board of Regents requires a report to be prepared*
36 *and submitted pursuant to subsection 1, an institution shall submit*
37 *the report to the Board of Regents not later than October 1 of each*
38 *year.*

39 4. *If the Board of Regents requires a report to be prepared*
40 *and submitted pursuant to subsection 1, the Board of Regents*
41 *shall, not later than December 31 of each year, submit a*
42 *compilation of the reports the Board of Regents received pursuant*
43 *to subsection 1 to the Director of the Department of Health and*
44 *Human Services and to the Director of the Legislative Counsel*
45 *Bureau for transmittal to the next regular session of the*



1 *Legislature in even-numbered years or the Legislative Committee*
2 *on Education in odd-numbered years.*

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

6 **Sec. 26.** 1. *The Board of Regents may, after reasonable*
7 *notice and opportunity for hearing, determine that an institution*
8 *within the System failed to comply with a requirement imposed by*
9 *the Board of Regents pursuant to sections 2 to 27, inclusive, of this*
10 *act. If the Board of Regents determines an institution failed to*
11 *comply with a requirement imposed by the Board, the Board may,*
12 *for each violation, impose a fine of not more than \$150,000 or 1*
13 *percent of the annual operating budget of the institution,*
14 *whichever is less, against the institution.*

15 2. *The Board of Regents shall use any money collected from*
16 *the imposition of a fine pursuant to subsection 1 to administer and*
17 *enforce the provisions of sections 2 to 27, inclusive, of this act.*

18 **Sec. 27.** *The Board of Regents may adopt regulations as*
19 *necessary to carry out the provisions of sections 2 to 27, inclusive,*
20 *of this act.*

21 **Sec. 27.1.** NRS 396.585 is hereby amended to read as follows:

22 396.585 1. The Board of Regents shall require each student
23 who participates as a member of a varsity athletic team which
24 represents the University of Nevada, Reno, or the University of
25 Nevada, Las Vegas, to make satisfactory progress toward obtaining
26 a degree as a condition of participation as a member of the team.

27 2. The Board of Regents shall establish standards for
28 determining whether a student is making satisfactory progress
29 toward obtaining his or her degree as required by this section. ~~[The]~~
30 *Except as otherwise provided in section 24.95 of this act, the*
31 standards must:

32 (a) Include a requirement that a student enroll in a sufficient
33 number of courses in each semester that are required to obtain the
34 academic degree the student is seeking to allow the student to
35 complete the requirements for obtaining the degree within a
36 reasonable period after the student's admission.

37 (b) Include a requirement that a student maintain a minimum
38 grade point average in the courses required pursuant to paragraph
39 (a).

40 **Sec. 27.3.** NRS 396.890 is hereby amended to read as follows:

41 396.890 1. The Board of Regents may administer, directly or
42 through a designated officer or employee of the System, a program
43 to provide loans for fees, books and living expenses to students in
44 the nursing programs of the System.

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



1 (a) Have been a “bona fide resident” of Nevada, as that term is
2 defined in NRS 396.540, for at least 6 months prior to the
3 “matriculation” of the student in the System, as that term is defined
4 pursuant to NRS 396.540;

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

8 (c) ~~[(Fulfill)]~~ *Except as otherwise provided in section 24.95 of*
9 *this act, fulfill* all requirements for classification as a full-time
10 student showing progression towards completion of the program;
11 and

12 (d) ~~[(Maintain)]~~ *Except as otherwise provided in section 24.95 of*
13 *this act, maintain* at least a 2.00 grade point average in each class
14 and at least a 2.75 overall grade point average, on a 4.0 grading
15 scale.

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

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

19 (b) Each student receiving a loan must repay the loan with
20 interest following the termination of the student’s education for
21 which the loan is made. The loan must be repaid in monthly
22 installments over the period allowed with the first installment due 1
23 year after the date of the termination of the student’s education for
24 which the loan is made. The amounts of the installments must not be
25 less than \$50 and may be calculated to allow a smaller payment at
26 the beginning of the period of repayment, with each succeeding
27 payment gradually increasing so that the total amount due will have
28 been paid within the period for repayment. The period for
29 repayment of the loans must be:

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

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

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

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

37 5. The reasonable costs of collection and an attorney’s fee may
38 be recovered in the event of delinquency.

39 **Sec. 27.5.** NRS 396.930 is hereby amended to read as follows:

40 396.930 1. Except as otherwise provided in subsections 2 and
41 4, a student may apply to the Board of Regents for a Millennium
42 Scholarship if the student:

43 (a) Except as otherwise provided in paragraph (e) of subsection
44 2, has been a resident of this State for at least 2 years before the
45 student applies for the Millennium Scholarship;



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

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

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

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

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

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

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

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

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

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

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

26 (e) Does not satisfy the requirements of paragraph (d) and
27 received at least the minimum score established by the Board of
28 Regents on a college entrance examination approved by the Board
29 of Regents that was administered to the student while the student
30 was enrolled as a pupil in a public or private high school in this
31 State; and

32 (f) Except as otherwise provided in NRS 396.936 **H** and *section*
33 *24.95 of this act*, is enrolled in at least:

34 (1) Nine semester credit hours in a community college within
35 the System;

36 (2) Twelve semester credit hours in another eligible
37 institution; or

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

41 2. The Board of Regents:

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



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

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

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

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

20 (2) The minimum number of credits prescribed in paragraph
21 (f) of subsection 1.

22 (e) Shall establish criteria with respect to students who have a
23 parent or legal guardian on active duty in the Armed Forces of the
24 United States to exempt such students from the residency
25 requirement set forth in paragraph (a) of subsection 1 or
26 subsection 4.

27 (f) Shall establish criteria with respect to students who have
28 been actively serving or participating in a charitable, religious or
29 public service assignment or mission to exempt such students from
30 the 6-year limitation on applications that is set forth in subparagraph
31 (2) of paragraph (b) of subsection 1. Such criteria must provide for
32 the award of Millennium Scholarships to those students who qualify
33 for the exemption and who otherwise meet the eligibility criteria to
34 the extent that money is available to award Millennium Scholarships
35 to the students after all other obligations for the award of
36 Millennium Scholarships for the current school year have been
37 satisfied.

38 3. If the Board of Regents requires a student to successfully
39 complete courses in mathematics or science to be eligible for a
40 Millennium Scholarship, a student who has successfully completed
41 one or more courses in computer science described in NRS
42 389.0186 must be allowed to apply not more than one unit of credit
43 received for the completion of such courses toward that
44 requirement.



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

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

8 (b) Other criteria that students must meet,
9 ➤ to be eligible for Millennium Scholarships.

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

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

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

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

18 6. The Board of Regents shall establish a procedure by which
19 an applicant for a Millennium Scholarship is required to execute an
20 affidavit declaring the applicant's eligibility for a Millennium
21 Scholarship pursuant to the requirements of this section. The
22 affidavit must include a declaration that the applicant is a citizen of
23 the United States or has lawful immigration status, or that the
24 applicant has filed an application to legalize the applicant's
25 immigration status or will file an application to legalize his or her
26 immigration status as soon as he or she is eligible to do so.

27 **Sec. 27.7.** NRS 396.934 is hereby amended to read as follows:

28 396.934 1. Except as otherwise provided in this section,
29 within the limits of money available in the Trust Fund, a student
30 who is eligible for a Millennium Scholarship is entitled to receive:

31 (a) If he or she is enrolled in a community college within the
32 System, including, without limitation, a summer academic term, \$40
33 per credit for each lower division course and \$60 per credit for each
34 upper division course in which the student is enrolled, or the amount
35 of money that is necessary for the student to pay the costs of
36 attending the community college that are not otherwise satisfied by
37 other grants or scholarships, whichever is less. The Board of
38 Regents shall provide for the designation of upper and lower
39 division courses for the purposes of this paragraph.

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



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

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

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

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

16 (a) To pay for remedial courses.

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

18 3. Except as otherwise provided in NRS 396.936 ~~H~~ and
19 *section 24.95 of this act*, a student who receives a Millennium
20 Scholarship shall:

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

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

27 4. A student who receives a Millennium Scholarship is
28 encouraged to volunteer at least 20 hours of community service for
29 this State, a political subdivision of this State or a charitable
30 organization that provides service to a community or the residents of
31 a community in this State during each year in which the student
32 receives a Millennium Scholarship.

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

37 (a) Subsequently satisfies the requirements of subsection 3 in a
38 semester in which he or she is not eligible for the Millennium
39 Scholarship, the student is eligible for the Millennium Scholarship
40 for the student's next semester of enrollment.

41 (b) Fails a second time to satisfy the requirements of subsection
42 3 during any subsequent semester, excluding a summer academic
43 term, the student is no longer eligible for a Millennium Scholarship.

44 6. A Millennium Scholarship must be used only:



1 (a) For the payment of registration fees and laboratory fees and
2 expenses;

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

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

6 7. The Board of Regents shall certify a list of eligible students
7 to the State Treasurer. The State Treasurer shall disburse a
8 Millennium Scholarship for each semester on behalf of an eligible
9 student directly to the eligible institution in which the student is
10 enrolled, upon certification from the eligible institution of the
11 number of credits for which the student is enrolled, which must
12 meet or exceed the minimum number of credits required for
13 eligibility and certification that the student is in good standing and
14 making satisfactory academic progress toward a recognized degree
15 or certificate, as determined by the Board of Regents pursuant to
16 subsection 8. The Millennium Scholarship must be administered by
17 the eligible institution as other similar scholarships are administered
18 and may be used only for the expenditures authorized pursuant to
19 subsection 6. If a student is enrolled in more than one eligible
20 institution, the Millennium Scholarship must be administered by the
21 eligible institution at which the student is enrolled in a program of
22 study leading to a recognized degree or certificate.

23 8. The Board of Regents shall establish:

24 (a) Criteria for determining whether a student is making
25 satisfactory academic progress toward a recognized degree or
26 certificate for purposes of subsection 7.

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

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

33 **Sec. 27.9.** NRS 396.945 is hereby amended to read as follows:

34 396.945 1. The Board shall annually award the Memorial
35 Scholarship to:

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

37 (1) The University of Nevada, Reno, Great Basin College or
38 Sierra Nevada College;

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

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

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



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

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

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

8 2. The Board shall establish additional criteria governing the
9 annual selection of each recipient of the Memorial Scholarship,
10 which must include, without limitation, a requirement that a
11 recipient:

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

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

16 (c) ~~Have~~ *Except as otherwise provided in section 24.95 of this*
17 *act, have* a college grade point average of not less than 3.5 on a 4.0
18 grading scale or, if enrolled at an academic institution that does not
19 use a grade point system to measure academic performance, present
20 evidence acceptable to the Board that demonstrates a commensurate
21 level of academic achievement;

22 (d) Have a declared major in elementary education or secondary
23 education;

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

26 (f) Have a record of community service.

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

31 4. The State Treasurer shall forward all applications received
32 pursuant to subsection 3 to the Board. The Board shall review and
33 evaluate each application received from the State Treasurer and
34 select each recipient of the Memorial Scholarship in accordance
35 with the criteria established pursuant to this section.

36 5. To the extent of available money in the account established
37 pursuant to NRS 396.940, the annual Memorial Scholarship may be
38 awarded to each selected recipient in an amount not to exceed
39 \$5,000 to pay the educational expenses of the recipient for the
40 school year which are authorized by subsection 6 and which are not
41 otherwise paid for by the Millennium Scholarship awarded to the
42 recipient.

43 6. A Memorial Scholarship must be used only:

44 (a) For the payment of registration fees and laboratory fees and
45 expenses;



1 (b) To purchase required textbooks and course materials; and
2 (c) For other costs related to the attendance of the student at the
3 academic institution in which he or she is enrolled.

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

7 **Sec. 28.** NRS 49.2545 is hereby amended to read as follows:

8 49.2545 "Victim's advocate" means a person who works for a
9 nonprofit program, a program of a university, state college or
10 community college within the Nevada System of Higher Education
11 or a program of a tribal organization which provides assistance to
12 victims *or who provides services to a victim of an alleged incident*
13 *of sexual misconduct pursuant to sections 2 to 27, inclusive, of*
14 *this act* with or without compensation and who has received at least
15 20 hours of relevant training.

16 **Sec. 28.5.** NRS 239.010 is hereby amended to read as follows:

17 239.010 1. Except as otherwise provided in this section and
18 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
19 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
20 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
21 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
22 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
23 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
24 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
25 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
26 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
27 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
28 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
29 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
30 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
31 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
32 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
33 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
34 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
35 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
36 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
37 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
38 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
39 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
40 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
41 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
42 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
43 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
44 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
45 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,



1 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
2 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
3 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
4 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
5 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
6 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
7 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
8 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
9 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
10 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
11 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
12 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
13 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
14 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
15 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
16 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
17 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
18 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
19 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
20 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
21 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
22 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
23 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
24 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
25 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
26 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
27 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
28 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
29 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
30 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
31 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
32 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
33 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
34 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
35 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
36 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
37 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
38 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
39 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
40 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
41 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
42 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
43 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
44 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
45 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,



1 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
2 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
3 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
4 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
5 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
6 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
7 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600,
8 **sections 14, 15 and 25 of this act**, sections 35, 38 and 41 of chapter
9 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
10 of Nevada 2013 and unless otherwise declared by law to be
11 confidential, all public books and public records of a governmental
12 entity must be open at all times during office hours to inspection by
13 any person, and may be fully copied or an abstract or memorandum
14 may be prepared from those public books and public records. Any
15 such copies, abstracts or memoranda may be used to supply the
16 general public with copies, abstracts or memoranda of the records or
17 may be used in any other way to the advantage of the governmental
18 entity or of the general public. This section does not supersede or in
19 any manner affect the federal laws governing copyrights or enlarge,
20 diminish or affect in any other manner the rights of a person in any
21 written book or record which is copyrighted pursuant to federal law.

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

24 3. A governmental entity that has legal custody or control of a
25 public book or record shall not deny a request made pursuant to
26 subsection 1 to inspect or copy or receive a copy of a public book or
27 record on the basis that the requested public book or record contains
28 information that is confidential if the governmental entity can
29 redact, delete, conceal or separate, including, without limitation,
30 electronically, the confidential information from the information
31 included in the public book or record that is not otherwise
32 confidential.

33 4. If requested, a governmental entity shall provide a copy of a
34 public record in an electronic format by means of an electronic
35 medium. Nothing in this subsection requires a governmental entity
36 to provide a copy of a public record in an electronic format or by
37 means of an electronic medium if:

- 38 (a) The public record:
39 (1) Was not created or prepared in an electronic format; and
40 (2) Is not available in an electronic format; or
41 (b) Providing the public record in an electronic format or by
42 means of an electronic medium would:
43 (1) Give access to proprietary software; or



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

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

6 (a) Shall not refuse to provide a copy of that public record in the
7 medium that is requested because the officer, employee or agent has
8 already prepared or would prefer to provide the copy in a different
9 medium.

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

14 **Sec. 29.** The provisions of subsection 1 of NRS 218D.380 do
15 not apply to any provision of this act which adds or revises a
16 requirement to submit a report to the Legislature.

17 **Sec. 30.** 1. This section becomes effective upon passage and
18 approval.

19 2. Section 12 of this act becomes effective upon passage and
20 approval for the purpose of appointing members to the Task Force
21 on Sexual Misconduct at Institutions of Higher Education and on
22 July 1, 2021, for all other purposes.

23 3. Sections 1 to 11, inclusive, and 13 to 30, inclusive, of this
24 act become effective on July 1, 2021.

