

Amendment No. 303

Assembly Amendment to Assembly Bill No. 384	(BDR 34-939)
Proposed by: Assembly Committee on Education	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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

MARCH 23, 2021

Referred to Committee on Education

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

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

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

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

Legislative Counsel's Digest:

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

Sections ~~3-11~~ 2,3-11 of this bill define relevant terms. **Section 12** of this bill authorizes the Board of Regents of the University of Nevada , to the extent that money is available, to appoint researchers employed at an institution within the Nevada System of Higher Education to develop a climate survey on sexual misconduct. **Section 13** of this bill authorizes the Board of Regents , to the extent that money is available, to require an institution within the System to conduct a climate survey on sexual misconduct and **section 14** of this bill sets forth the duties of the Board of Regents regarding the climate survey.

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

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

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

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

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

Section 21 of this bill prohibits an institution within the System from sanctioning a ~~reporting party~~ complainant or witness ~~who reports an incident of sexual misconduct~~ for violating a policy of student conduct that occurred during or related to an alleged incident of sexual misconduct.

Section 22 of this bill authorizes the Board of Regents to require an institution within the System to provide training on the grievance process of the institution to certain employees.

Section 23 of this bill authorizes the Board of Regents to require an institution within the System to provide programming on the awareness and prevention of sexual misconduct to students and employees of the institution.

Section 24 of this bill authorizes the Board of Regents to require an institution within the System to ~~conduct an investigation or hold a hearing regarding an alleged incident of sexual misconduct. Sections~~ determine the responsibility of a respondent to an alleged incident of sexual misconduct based on a preponderance of the evidence. **Section 26** ~~and 27~~ of this bill ~~set~~ sets forth the requirements for conducting an investigation, ~~and holding a hearing, respectively.~~ **Section 25** of this bill authorizes the Board of Regents to require an institution within the System to consider a request from a ~~reporting party~~ complainant who is at least 18 years of age to keep the identity of the ~~reporting party~~ complainant confidential unless state or federal law requires disclosure or further action. **Section 28** of this bill authorizes an institution to issue a no-contact directive in certain circumstances.

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

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

~~[Section 31 of this bill authorizes the Board of Regents to impose a fine against an institution within the System that does not comply with the requirements imposed by the Board of Regents pursuant to sections 2 to 32 of this bill.]~~ **Section 32** of this bill authorizes the Board of Regents to adopt regulations.

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

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

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

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

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

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

Sec. 3. *“Domestic violence” ~~means the commission of any act described in NRS 33.018,~~ has the meaning ascribed to it in 34 U.S.C. § 12291(a).*

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

Sec. 5. *~~“Responding party”~~ “Respondent” means a ~~student or employee of an institution within the System~~ person who has been ~~accused of committing an alleged incident of~~ reported to be the perpetrator of conduct that could constitute sexual misconduct. ~~[by a reporting party.]~~*

Sec. 6. *“Sexual assault” ~~means a violation of NRS 200.366,~~ has the meaning ascribed to it in 20 U.S.C. § 1092 (f)(b)(A)(v).*

Sec. 7. *“Sexual harassment” ~~has the meaning ascribed to it in NRS 176A.280,~~ means conduct on the basis of sex, whether direct or indirect, implicit or explicit, verbal or nonverbal or in person or via virtual or electronic means, that includes one or more of the following:*

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

(a) A sexual advance;

(b) A request for sexual favors; or

(c) Other conduct of a sexual nature.

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

4 3. Sexual assault, dating violence, domestic violence or stalking.

5 Sec. 8. "Sexual misconduct" means ~~sexual~~ dating violence, domestic
6 violence, gender-based violence or harassment, violence based on sexual
7 orientation, gender identity or gender expression, sexual assault, sexual
8 harassment or stalking.

9 Sec. 9. "Stalking" ~~means a violation of NRS 200.575~~ has the meaning
10 ascribed to it in 34 C.F.R. § 106.30.

11 Sec. 10. "Supportive measures" has the meaning ascribed to it in 34 C.F.R.
12 § 106.30.

13 Sec. 11. "Trauma-informed response" means a response involving an
14 understanding of the complexities of sexual misconduct, including, without
15 limitation:

16 1. Perpetrator methodology;

17 2. Conducting an effective investigation;

18 3. The neurobiological causes and impacts of trauma; and

19 ~~2-4~~ 4. The influence of social myths and stereotypes surrounding the
20 causes and impacts of trauma.

21 Sec. 12. 1. ~~The~~ To the extent that money is available, the Board of
22 Regents may appoint researchers employed at one or more institutions within the
23 System to develop a climate survey on sexual misconduct designed to be
24 administered at an institution within the System. The climate survey on sexual
25 misconduct must:

26 (a) Provide institution-specific data regarding the prevalence of gender-
27 based harassment and discrimination;

28 (b) Be fair and unbiased;

29 (c) Be scientifically valid and reliable; and

30 (d) Meet the highest standards of survey research.

31 2. If appointed to develop a climate survey on sexual misconduct, the
32 researchers shall:

33 (a) Use best practices from peer-reviewed research;

34 (b) Consult with persons with expertise in the development and use of
35 climate surveys on sexual misconduct at institutions of higher education;

36 (c) Review climate surveys on sexual misconduct which have been developed
37 and implemented by institutions of higher education, including, without
38 limitation, institutions in other states;

39 (d) Provide opportunity for written comment from organizations that assist
40 victims of sexual misconduct to ensure the adequacy and appropriateness of any
41 proposed content of the climate survey on sexual misconduct;

42 (e) Consult with institutions within the System on strategies for optimizing
43 the effectiveness of the climate survey on sexual misconduct; and

44 (f) Account for the diverse needs and differences of the institutions within
45 the System.

46 3. If a climate survey on sexual misconduct is developed, the climate survey
47 must request information on topics related to sexual misconduct. The topics may
48 include, without limitation:

49 (a) The estimated number of alleged incidents of sexual misconduct, both
50 reported and not reported, at an institution within the System, if a student taking
51 the survey has knowledge of such information;

52 (b) When and where an alleged incident of sexual misconduct occurred;

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

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

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

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

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

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

(1) Offered supportive measures by an institution;

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

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

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

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

(i) Perceptions a student has of campus safety;

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

(k) Whether a student chose to withdraw or take a leave of absence from the institution or transfer to another institution because the student is the ~~reporting party~~ complainant or ~~responding party~~ respondent in an alleged incident of sexual misconduct;

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

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

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

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

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

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

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

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

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

(a) Provide the survey to each student at the institution, including, without limitation, students studying abroad ~~;~~ ~~for on a leave of absence from the institution;~~

(b) Not require the disclosure of personally identifiable information by a ~~respondent to~~ participant in the climate survey on sexual misconduct;

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

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

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

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

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

(1) ~~The responses to the climate survey on sexual misconduct;~~

~~(2)~~ (2) The summary of the responses to the climate survey on sexual misconduct; and

~~(3)~~ (2) A link to the summary of the responses to the climate survey on sexual misconduct on the Internet website maintained by the Board of Regents.

4. A climate survey on sexual misconduct must be administered ~~through the Internet website maintained~~ electronically by an institution within the System and provide reasonable accommodations for students with a disability.

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

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

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

Sec. 14. 1. If the Board of Regents requires an institution within the System to conduct a climate survey on sexual misconduct pursuant to section 13 of this act, the Board of Regents shall ~~(1)~~, to the extent money is available:

~~(1)~~ (a) Provide a copy of the questions developed by researchers employed at an institution within the System pursuant to section 12 of this act to each institution within a reasonable time after the Board of Regents receives the questions from the researchers who develop the questions;

~~(2)~~ (b) Establish a repository for the summaries of the climate survey on sexual misconduct submitted by each institution pursuant to section 13 of this act;

~~(3)~~ (c) Post each summary of the responses to a climate survey on sexual misconduct submitted by an institution pursuant to section 13 of this act on the Internet website maintained by the Board of Regents in a manner that does not disclose the identity of a student;

~~14~~ (d) Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on sexual misconduct; and

~~15~~ (e) On or before February 1 of each odd-numbered year, report the summaries of the climate survey on sexual misconduct submitted by an institution pursuant to section 13 of this act to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

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

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

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

2. Provide a ~~reporting party~~ complainant and ~~responding party~~ respondent with a copy of the policies of the institution regarding the submission and consideration of evidence that may be considered during the grievance process;

3. Within 7 business days after a final determination of a report of an alleged incident of sexual misconduct, inform the ~~reporting party~~ complainant and the ~~responding party~~ respondent of the result of the final determination; and

4. Unless otherwise required by state or federal law, not disclose the identity of a ~~reporting party~~ complainant or ~~responding party~~ respondent.

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

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

(a) Shall:

(1) Incorporate a trauma-informed response;

(2) Coordinate with:

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

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

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

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

(1) Administrators at the institution;

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

(3) ~~14 victim's~~ An advocate designated pursuant to section 19 of this act;

(4) Staff affiliated with campus housing services;

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

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

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

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

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

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

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

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

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

(a) ~~On a campus of the institution in locations where students regularly congregate, including, without limitation, a dining facility, recreational facility, library, bookstore, student union, student center or common area of campus housing;~~

~~(b)~~ Upon request, to a prospective student, current student or employee of the institution; and

~~(c)~~ (b) On the Internet website maintained by the institution.

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

Sec. 17. ~~(1)~~ If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to section 16 of this act, the policy must include, without limitation, information on:

~~(a)~~ 1. The procedures by which a student or employee at the institution within the System may report or disclose an alleged incident of sexual misconduct that occurred on or off a campus of the institution;

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

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

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

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

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

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

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

~~(1) An advisor who may serve as a confidential resource to a responding party;~~

~~(2) A victim's advocate designated by the institution pursuant to section 19 of this act;~~

~~(3) The Title IX coordinator of the institution;~~

~~(4) An organization that supports persons accused of sexual misconduct;~~

~~(5) An organization that assists victims of sexual misconduct; and~~

~~(6) Employees designated as responsible employees;~~

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

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

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

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

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

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

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

~~(h) 2. Supportive measures, including, without limitation:~~

~~[(1)] (a) Changing academic, living, campus transportation or work arrangements;~~

~~[(2)] (b) Taking a leave of absence from the institution in response to an alleged incident of sexual misconduct;~~

~~[(3)] (c) How to request supportive measures; and~~

~~[(4)] (d) The process to have any supportive measures reviewed by the institution;~~

~~[(i)] 3. Appropriate local, state and federal law enforcement agencies, including, without limitation, the contact information for a law enforcement agency; and~~

~~[(j)] 4. The grievance process of the institution for investigating and resolving a report of an alleged incident of sexual misconduct pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., the policy on sexual misconduct adopted pursuant to section 16 of this act and, if required by the Board of Regents, the requirements of section 15 of this act.~~

~~2. As used in this section:~~

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

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

Sec. 17.5. 1. To the extent practicable, the Board of Regents may require an institution within the System to enter into a memorandum of understanding with a local law enforcement agency of the jurisdiction in which the main campus of the institution is located to establish the respective roles and responsibilities of the institution and the law enforcement agency relating to the

prevention of and response to alleged incidents of sexual misconduct on-campus and off-campus. Such a memorandum of understanding must, without limitation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(II) Confidential services to a victim ; ~~and~~

~~**(III) Consultation on a report made by a victim or a case in which a victim is involved;**~~

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

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

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

1 3. As used in this section, ~~the~~

2 ~~“(a) “Forensic”~~ “(a) “forensic medical examination” has the meaning ascribed to
3 it in NRS 217.300.

4 ~~“(b) “Student” includes, without limitation, a former student of the institution~~
5 ~~who took a leave of absence or withdrew from the institution because the student~~
6 ~~was a reporting party of an alleged incident of sexual misconduct.”~~

7 **Sec. 19. 1. The Board of Regents may require an institution within the**
8 **System to designate ~~a victim’s~~ an advocate ~~for parties to alleged incidents of~~**
9 **sexual misconduct. If the Board of Regents requires the designation of ~~a~~**
10 **victim’s an advocate, an institution shall designate existing categories of ~~the~~**
11 **employees who may serve as ~~a victim’s~~ an advocate. An institution may:**

12 (a) Partner with an organization that assists victims of sexual misconduct to
13 designate ~~a victim’s~~ an advocate; or

14 (b) If the institution enrolls less than 1,000 students who reside in campus
15 housing, partner with another institution within the System to designate ~~a~~
16 ~~victim’s~~ an advocate.

17 2. ~~A victim’s~~ An advocate designated pursuant to subsection 1:

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

19 (b) Must not be a student, a Title IX coordinator, a member of campus police
20 or law enforcement or any other official of the institution who is authorized to
21 initiate a disciplinary proceeding on behalf of the institution or whose position at
22 the institution may create a conflict of interest; ~~and~~

23 (c) Must be designated based on the training or experience ~~and~~
24 ~~demonstrated ability~~ of the person to effectively provide ~~victim~~ services related
25 to sexual misconduct ~~for~~; and

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

27 3. If an institution within the System designates ~~a victim’s~~ an advocate
28 pursuant to subsection 1, the ~~institution shall provide training to the victim’s~~
29 advocate must be trained on:

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

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

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

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

37 4. An institution within the System that designates ~~a victim’s~~ an advocate
38 pursuant to subsection 1 shall ~~ensure~~ provide for the availability of ~~a victim’s~~
39 an advocate to students within a reasonable distance from the institution ~~for~~ or by
40 electronic means if it is not practicable to provide for the availability of an
41 advocate in person.

42 **Sec. 20. 1. If ~~a victim’s~~ an advocate is designated pursuant to section 19**
43 **of this act, the ~~victim’s~~ advocate shall:**

44 (a) If an institution within the System has entered into a memorandum of
45 understanding pursuant to section 18 of this act, coordinate with the organization
46 that assists victims of sexual assault;

47 (b) Inform a student or employee of, or provide resources about how to
48 obtain information on:

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

51 (2) Counseling services available on a campus of the institution and
52 through a local organization that assists victims of sexual misconduct;

1 (3) Medical and legal services available on or off a campus of the
2 institution;

3 (4) Available supportive measures;

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

7 (6) The grievance process of the institution and that the grievance
8 process is not a substitute for the system of criminal justice;

9 (7) The role of local, state and federal law enforcement agencies;

10 (8) Any limits on the ability of the ~~victim's~~ advocate to provide privacy
11 or confidentiality to the student or employee; and

12 (9) A policy of sexual misconduct adopted by the institution pursuant to
13 section 16 of this act;

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

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

20 (e) Provide confidential services to students and employees;

21 (f) Not provide confidential services to more than one party in a grievance
22 process;

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

26 (h) ~~At no cost to the reporting party, support~~ Support a ~~reporting party~~
27 complainant in obtaining supportive measures to ensure the ~~reporting party~~
28 complainant has continued access to education;

29 (i) Notify all staff of the institution who are involved in providing or
30 enforcing supportive measures of the duties of the staff and ensure staff are
31 trained; and

32 (j) Inform a student or employee that supportive measures ~~can also~~ may be
33 ~~obtained~~ available through disability services or the Title IX coordinator ~~, if~~
34 ~~appropriate.~~

35 2. If ~~a victim's~~ an advocate is designated pursuant to section 19 of this act,
36 the ~~victim's~~ advocate may:

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

40 (b) Attend a disciplinary proceeding of the institution as the advisor or
41 support person of a ~~reporting party~~ complainant or respondent.

42 3. Notice to ~~a victim's~~ an advocate of an alleged incident of sexual
43 misconduct or the performance of services by ~~a victim's~~ an advocate pursuant
44 to this section must not be considered actual or constructive notice of an alleged
45 incident of sexual misconduct to the institution within the System which
46 designated the ~~victim's~~ advocate pursuant to section 19 of this act.

47 4. If a conflict of interest arises between the institution within the System
48 which designated ~~a victim's~~ an advocate and the ~~victim's~~ advocate in
49 advocating for the provision of supportive measures by the institution to a
50 ~~reporting party~~ complainant or respondent, the institution shall not discipline,
51 penalize or otherwise retaliate against the ~~victim's~~ advocate for advocating for
52 ~~the reporting party~~ a complainant or respondent.

1 **Sec. 21. 1.** *The Board of Regents may ~~require~~ prohibit an institution*
2 *within the System ~~to not subject~~ from subjecting a complainant ~~reporting~~*
3 *party or a witness ~~who reports~~ to an alleged incident of sexual misconduct to a*
4 *disciplinary proceeding or sanction for a violation of a policy on student conduct*
5 *related to drug or alcohol use, trespassing or unauthorized entry of school*
6 *facilities or other violation of a policy of an institution that occurred during or*
7 *related to an alleged incident of sexual misconduct unless the institution*
8 *determines that the:*

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

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

14 2. *The Board of Regents may require an institution within the System to*
15 *review any disciplinary action taken against a ~~reporting party~~ complainant or*
16 *witness to determine if there is any connection between the alleged incident of*
17 *sexual misconduct that was reported and the misconduct that led to the ~~reporting~~*
18 *party complainant or witness being disciplined.*

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

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

25 (b) *Information on working with and interviewing victims of sexual*
26 *misconduct;*

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

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

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

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

35 (g) *Training in cultural competency regarding how sexual misconduct may*
36 *impact students differently depending on, without limitation, the national origin,*
37 *sex, ethnicity, religion, gender identity, gender expression or sexual orientation of*
38 *a student;*

39 (h) *Information regarding how sexual misconduct may impact students with*
40 *disabilities;*

41 (i) *Ways to communicate appropriately with a ~~reporting party~~;*
42 *complainant;*

43 (j) *Ways to communicate appropriately with a ~~responding party~~;*
44 *respondent, including, without limitation, an awareness of the emotional impact*
45 *of being ~~wrongly~~ accused; and*

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

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

51 **Sec. 23. 1.** *The Board of Regents may require an institution within the*
52 *System to provide ~~annual~~ programming on awareness and prevention of sexual*
53 *misconduct to all students and employees of the institution. If the Board of*

1 *Regents requires an institution to provide programming on awareness and*
2 *prevention of sexual misconduct, the programming ~~must~~ may include, without*
3 *limitation:*

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

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

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

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

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

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

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

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

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

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

25 (a) *~~Coordinate~~ Shall coordinate with the Title IX coordinator of the*
26 *institution ~~and~~.*

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

31 *~~[(b) Require]~~*

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

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

40 Sec. 24. 1. *The Board of Regents may require an institution within the*
41 *System that receives a report ~~for has reason to know~~ of an alleged incident of*
42 *sexual misconduct that involves a student or employee of the institution, to ~~for~~*

43 *~~—(a) If necessary, conduct an investigation pursuant to section 26 of this act;~~*

44 *~~—(b) If necessary, hold a hearing pursuant to section 27 of this act; and~~*

45 *~~—(c) If the alleged incident of sexual misconduct is determine to have~~*
46 *~~occurred, determine the responsibility of a respondent based on a preponderance~~*
47 *~~of the evidence . ~~for~~ take reasonable steps in response to the incident of sexual~~*
48 *~~misconduct, including, without limitation, addressing a hostile environment, if~~*
49 *~~such an environment has been created, preventing the recurrence of the conduct~~*
50 *~~and addressing the effects of the conduct.~~*

51 *~~—2. An institution shall be deemed to know, or reasonably should know,~~*
52 *~~about a possible incident of sexual misconduct if a responsible employee~~*
53 *~~identified pursuant to paragraph (d) of subsection 1 of section 17 of this act knew~~*

~~of the possible incident of sexual misconduct or, in the exercise of reasonable care, should have known of the possible incident of sexual misconduct.~~

~~3. As used in this section, "hostile environment" means an environment where a student or employee experiences harassment that is sufficiently severe, persistent or pervasive enough to limit or deny:~~

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

~~(b) An employee the ability to effectively or comfortably work at the institution.~~

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

(a) There are any previous or existing reports of an incident of sexual misconduct, violence, discrimination or harassment against the ~~responding party~~ respondent, including, without limitation, records of complaints against or the arrest of the respondent;

(b) The ~~responding party~~ respondent allegedly used a weapon; ~~physical restraint or otherwise engaged in battery;~~

(c) The ~~responding party is a faculty or staff member of the institution with oversight of students;~~ respondent threatened violence, discrimination or harassment against the complainant or other persons;

(d) ~~There is an imbalance of power between the reporting party and the responding party;~~ The alleged incident of sexual misconduct was alleged to have been committed by two or more people;

(e) The ~~reporting party believes that the reporting party will be less safe if the identity of the reporting party is disclosed, an investigation is conducted or disciplinary action is taken against the responding party;~~ circumstances surrounding the alleged incident of sexual misconduct indicate that the incident was premeditated and, if so, whether the respondent or another person allegedly premeditated the incident;

(f) The ~~responding party can sufficiently respond to the allegations without knowing the identity of the reporting party and;~~ circumstances surrounding the alleged incident of sexual misconduct indicate a pattern of consistent behavior at a particular location or by a particular group of people;

(g) The institution is able to conduct a thorough investigation and obtain relevant evidence without the cooperation of the ~~reporting party~~ complainant; and

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

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

(a) Respond to the report of an alleged incident of sexual misconduct while maintaining the confidentiality of the ~~reporting party~~ complainant;

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

(c) Prevent the recurrence of any misconduct. ~~It and~~

~~(d) Provide for the safety of the reporting party.~~

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

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

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

(c) Ensuring a ~~reporting party~~ complainant is informed of and has access to appropriate supportive measures. ~~It or~~

~~(d) Conducting additional climate surveys on sexual misconduct in accordance with sections 12, 13 and 14 of this act.~~

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

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

(a) Inform the ~~reporting party~~ complainant of the determination before disclosing the identity of the ~~reporting party~~ complainant or initiating an investigation;

(b) Provide supportive measures for the ~~safety of the reporting party~~ complainant; and

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

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

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

(b) Inform the ~~reporting party~~ complainant and the ~~responding party~~ respondent that any evidence available to the party but not disclosed during the investigation might not be considered at a subsequent hearing; and

(c) ~~Use equitable guidelines for the collection of~~ Equitably collect and use ~~off~~ evidence, including, without limitation, providing that:

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

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

(3) An investigator may not consider the existence of a dating relationship or previous or subsequent consensual sexual conduct between the ~~reporting party~~ complainant and the ~~responding party~~ respondent unless the

1 evidence is relevant to demonstrate how the parties communicated consent in
2 previous or subsequent consensual sexual conduct. ~~It and~~

3 ~~—(4) An investigator shall provide a written and verbal explanation to the~~
4 ~~reporting party and the responding party as to why consideration of any evidence~~
5 ~~is consistent with this paragraph before proffering any evidence for consideration~~
6 ~~in an investigation or hearing.~~

7 2. The fact that a ~~reporting party~~ complainant and ~~responding party~~ a
8 respondent engaged in any previous or subsequent consensual sexual relations is
9 not by itself sufficient to establish that the conduct in question was consensual.

10 3. ~~Notwithstanding the provisions of section 27 of this act, an investigation~~
11 ~~conducted in response to an alleged incident of sexual misconduct shall take no~~
12 ~~more than 60 days.~~

13 ~~—4. An institution within the System shall provide periodic updates on the~~
14 ~~investigation to the reporting party, complainant and the responding party~~
15 respondent regarding the timeline of the investigation.

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

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

21 Sec. 27. ~~1. After conducting an investigation pursuant to section 26 of~~
22 ~~this act, an institution within the System shall determine whether to hold a~~
23 ~~hearing. In determining whether to hold a hearing, the institution may consider~~
24 ~~whether the reporting party and responding party cooperated in the investigation~~
25 ~~and whether each party had the opportunity to suggest questions to be asked of~~
26 ~~the other party or witnesses, or both, during the investigation. The following rules~~
27 ~~apply to any hearing conducted pursuant to this section:~~

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

33 ~~—(b) Except as otherwise required by federal law, any cross examination of the~~
34 ~~reporting party, the responding party or any witness may not be conducted~~
35 ~~directly by the reporting party or responding party, or an advisor to the reporting~~
36 ~~party or responding party, as applicable.~~

37 ~~—(c) The reporting party, the responding party or any witness may request to~~
38 ~~answer questions by videoconference.~~

39 ~~—(d) The reporting party and the responding party shall have the opportunity~~
40 ~~to submit written questions to the hearing officer in advance of the hearing. At~~
41 ~~the hearing, the reporting party and the responding party shall have the~~
42 ~~opportunity to note an objection to any question posed by the other party. The~~
43 ~~hearing officer may limit objections to written form. The hearing officer shall~~
44 ~~note an objection on the record, but is not otherwise required to respond to an~~
45 ~~objection. The hearing officer shall discard or rephrase any question the hearing~~
46 ~~officer deems to be repetitive, irrelevant or harassing. In making a determination~~
47 ~~pursuant to this paragraph, the hearing officer may use, but is not bound by, the~~
48 ~~rules of evidence at common law.~~

49 ~~—(e) All determinations must be based on a preponderance of the evidence.~~

50 2. ~~Except as otherwise provided in this subsection, an institution within the~~
51 ~~System that receives a report shall take not more than 60 calendar days to reach a~~
52 ~~final determination regarding the alleged incident of sexual misconduct. An~~
53 ~~institution may take more than 60 calendar days to reach a final determination~~

~~for good cause, which includes, without limitation, unworked holiday breaks, mutual agreement of the reporting party and the responding party or waiting for evidence that has been requested from a third party. Good cause does not include, without limitation, worked holiday breaks, distance barriers that can be overcome through videoconferencing, graduation of one of the parties, unnecessary request for delay that the institution reasonably perceives to be delay tactics or police investigations that require more than a temporary delay.~~

~~3. If the institution within the System includes an appeal process in its grievance, the institution shall inform the parties of the appeals process.~~

~~4. An institution within the System shall provide periodic updates on any hearing or appeals process to the reporting party and responding party, including, without limitation, written notice of any delays.~~ (Deleted by amendment.)

Sec. 28. 1. An institution within the System may issue a no-contact directive prohibiting the ~~[responding party]~~ complainant and the ~~[reporting party]~~ respondent from contacting each other ~~, [during the pendency of an investigation and hearing].~~ An institution may issue a no-contact directive if the directive is necessary to:

(a) Protect the safety or well-being of either the ~~[reporting party]~~ complainant or the ~~[responding party]~~ respondent; or

(b) Respond to interference with an investigation.

2. A no-contact directive issued after a decision of responsibility against the ~~[responding party]~~ respondent has been made is unilateral and applies only against the ~~[responding party]~~ respondent.

3. If an institution issues a mutual no-contact directive, the institution shall provide the ~~[reporting party]~~ complainant and the ~~[responding party]~~ respondent with a written justification for the directive and an explanation of the terms of the directive, including, without limitation, ~~[a description of the circumstances, if any, under which]~~ that a violation of the directive may subject the party to disciplinary action.

Sec. 29. 1. A student who experiences sexual misconduct may request a waiver from any requirement to maintain a certain grade point average, credit enrollment, or other academic or disciplinary record requirement related to academic success for any scholarship, grant or other academic program offered by an institution within the System. A waiver may be granted by ~~[a victim's]~~ an advocate designated pursuant to section 19 of this act, the Title IX coordinator of the institution, a law enforcement officer employed by the institution, an academic advisor or staff member of a disability resource center of the institution.

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

Sec. 30. 1. The Board of Regents may require an institution within the System to prepare and submit to the Board ~~[a]~~ an annual report that includes, without limitation:

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

(b) ~~[The number of investigations initiated by a law enforcement agency in response to reports of alleged incidents of sexual misconduct, if known;~~

~~— (c) The number of students and employees found responsible for an incident of sexual misconduct by the institution;~~

~~1. (d) The number of students and employees accused of but found not responsible for an incident of sexual misconduct by the institution;~~

~~2. (e) (d) The number of sanctions or remedies imposed on a responding party; persons sanctioned by the institution as a result of a finding of responsibility for an incident of sexual misconduct;~~

~~3. (f) and~~

~~4. (e) The number of persons who submitted requests for supportive measures and the number of requests for persons who received supportive measures, that were granted; and~~

~~5. (g) The number of reporting parties who took a leave of absence, transferred to another institution or withdrew from the institution.~~

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

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

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

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

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

~~Sec. 31. [1. The Board of Regents may, after reasonable notice and opportunity for hearing, determine that an institution within the System failed to comply with a requirement imposed by the Board of Regents pursuant to sections 2 to 32, inclusive, of this act. If the Board of Regents determines an institution failed to comply with a requirement imposed by the Board, the Board may, for each violation, impose a fine of not more than \$150,000 or one percent of the annual operating budget of the institution, whichever is less, against the institution.~~

~~2. The Board of Regents shall use any money collected from the imposition of a fine pursuant to subsection 1 to administer and enforce the provisions of sections 2 to 32, inclusive, of this act.] (Deleted by amendment.)~~

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

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

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

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

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

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

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

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

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

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

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

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

(d) ~~Maintain~~ *Except as otherwise provided in section 29 of this act, maintain* at least a 2.00 grade point average in each class and at least a 2.75 overall grade point average, on a 4.0 grading scale.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The Board of Regents:

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

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

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

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

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

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

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such

1 students from the residency requirement set forth in paragraph (a) of subsection 1
2 or subsection 4.

3 (f) Shall establish criteria with respect to students who have been actively
4 serving or participating in a charitable, religious or public service assignment or
5 mission to exempt such students from the 6-year limitation on applications that is
6 set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must
7 provide for the award of Millennium Scholarships to those students who qualify for
8 the exemption and who otherwise meet the eligibility criteria to the extent that
9 money is available to award Millennium Scholarships to the students after all other
10 obligations for the award of Millennium Scholarships for the current school year
11 have been satisfied.

12 3. If the Board of Regents requires a student to successfully complete courses
13 in mathematics or science to be eligible for a Millennium Scholarship, a student
14 who has successfully completed one or more courses in computer science described
15 in NRS 389.0186 must be allowed to apply not more than one unit of credit
16 received for the completion of such courses toward that requirement.

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

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

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

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

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

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

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

32 6. The Board of Regents shall establish a procedure by which an applicant for
33 a Millennium Scholarship is required to execute an affidavit declaring the
34 applicant's eligibility for a Millennium Scholarship pursuant to the requirements of
35 this section. The affidavit must include a declaration that the applicant is a citizen
36 of the United States or has lawful immigration status, or that the applicant has filed
37 an application to legalize the applicant's immigration status or will file an
38 application to legalize his or her immigration status as soon as he or she is eligible
39 to do so.

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

41 396.934 1. Except as otherwise provided in this section, within the limits of
42 money available in the Trust Fund, a student who is eligible for a Millennium
43 Scholarship is entitled to receive:

44 (a) If he or she is enrolled in a community college within the System,
45 including, without limitation, a summer academic term, \$40 per credit for each
46 lower division course and \$60 per credit for each upper division course in which the
47 student is enrolled, or the amount of money that is necessary for the student to pay
48 the costs of attending the community college that are not otherwise satisfied by
49 other grants or scholarships, whichever is less. The Board of Regents shall provide
50 for the designation of upper and lower division courses for the purposes of this
51 paragraph.

52 (b) If he or she is enrolled in a state college within the System, including,
53 without limitation, a summer academic term, \$60 per credit for which the student is

1 enrolled, or the amount of money that is necessary for the student to pay the costs
2 of attending the state college that are not otherwise satisfied by other grants or
3 scholarships, whichever is less.

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

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

13 ➤ In no event may a student who is eligible for a Millennium Scholarship receive
14 more than the cost of 15 semester credits per 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 ~~§~~ *and section 29 of this*
19 *act*, a student who receives a Millennium Scholarship shall:

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

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

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

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

33 (a) Subsequently satisfies the requirements of subsection 3 in a semester in
34 which he or she is not eligible for the Millennium Scholarship, the student is
35 eligible for the Millennium Scholarship for the student's next semester of
36 enrollment.

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

40 6. A Millennium Scholarship must be used only:

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

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

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

45 7. The Board of Regents shall certify a list of eligible students to the State
46 Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each
47 semester on behalf of an eligible student directly to the eligible institution in which
48 the student is enrolled, upon certification from the eligible institution of the number
49 of credits for which the student is enrolled, which must meet or exceed the
50 minimum number of credits required for eligibility and certification that the student
51 is in good standing and making satisfactory academic progress toward a recognized
52 degree or certificate, as determined by the Board of Regents pursuant to subsection
53 8. The Millennium Scholarship must be administered by the eligible institution as

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

6 8. The Board of Regents shall establish:

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

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

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

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

15 396.945 1. The Board shall annually award the Memorial Scholarship to:

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

17 (1) The University of Nevada, Reno, Great Basin College or Sierra Nevada
18 College;

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

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

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

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

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

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

31 2. The Board shall establish additional criteria governing the annual selection
32 of each recipient of the Memorial Scholarship, which must include, without
33 limitation, a requirement that a recipient:

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

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

38 (c) ~~Have~~ *Except as otherwise provided in section 29 of this act, have* a
39 college grade point average of not less than 3.5 on a 4.0 grading scale or, if enrolled
40 at an academic institution that does not use a grade point system to measure
41 academic performance, present evidence acceptable to the Board that demonstrates
42 a commensurate level of academic achievement;

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

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

46 (f) Have a record of community service.

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

50 4. The State Treasurer shall forward all applications received pursuant to
51 subsection 3 to the Board. The Board shall review and evaluate each application
52 received from the State Treasurer and select each recipient of the Memorial
53 Scholarship in accordance with the criteria established pursuant to this section.

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

6. A Memorial Scholarship must be used only:

- (a) For the payment of registration fees and laboratory fees and expenses;
- (b) To purchase required textbooks and course materials; and
- (c) For other costs related to the attendance of the student at the academic institution in which he or she is enrolled.

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

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

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

Sec. 38.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447,

394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.316, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 13, 14 and 30 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically,

1 the confidential information from the information included in the public book or
2 record that is not otherwise confidential.

3 4. If requested, a governmental entity shall provide a copy of a public record
4 in an electronic format by means of an electronic medium. Nothing in this
5 subsection requires a governmental entity to provide a copy of a public record in an
6 electronic format or by means of an electronic medium if:

7 (a) The public record:

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

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

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

12 (1) Give access to proprietary software; or

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

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

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

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

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

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

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

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

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