

Amendment No. 436

Senate Amendment to Senate Bill No. 347	(BDR 34-237)
<b>Proposed by:</b> Senate Committee on Education	
<b>Amends:</b> 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.





## SENATE BILL NO. 347—SENATOR SCHEIBLE

MARCH 24, 2021

Referred to Committee on Education

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

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

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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 higher education; creating the Task Force on Sexual Misconduct at Institutions of Higher Education; prescribing the membership, duties and compensation of the Task Force; ~~requiring~~ authorizing the ~~[Task Force]~~ Board of Regents of the University of Nevada to appoint researchers to develop a climate survey on sexual misconduct; authorizing the Board of Regents ~~[of the University of Nevada]~~ to require the institutions within the Nevada System of Higher Education to administer the climate survey to students; authorizing the imposition of additional requirements for the grievance process at an institution within the System; authorizing the Board of Regents to require each institution within the System to adopt a policy on sexual misconduct, enter into a memorandum of understanding with certain organizations and local law enforcement agencies, and designate a ~~[victim's advocate]~~ confidential resource advisor; prohibiting an institution within the System from imposing certain sanctions on certain students; authorizing the Board of Regents to require an institution within the System to take certain actions regarding a report of an alleged incident of sexual misconduct; providing for certain training and programming related to sexual misconduct; authorizing a student who has experienced sexual misconduct to request a waiver from certain requirements of scholarships or academic activities; authorizing the Board of Regents to require ~~for~~ 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 creates the Task Force on Sexual Misconduct at Institutions of Higher Education and prescribes the membership of the Task Force. **Section 13** of this bill ~~prescribes the duties of the Task Force, which include, without limitation, developing a climate survey on sexual misconduct,~~ authorizes the Board of Regents of the University of Nevada, to the extent money is available, to appoint researchers to develop a climate survey on sexual misconduct and prescribes the requirements of the climate survey. **Section 14** of this bill authorizes the Board of Regents ~~of the University of Nevada,~~ to the extent money is available, to require an institution within the Nevada System of Higher Education to conduct a climate survey on sexual misconduct, and **section 15** of this bill sets forth the duties of the Board of Regents regarding the climate survey.

**Section 16** of this bill authorizes the Board of Regents to require ~~an institution to meet~~ certain ~~requirements related to the grievance process~~ employees of ~~the~~ an institution ~~to~~ receive annual training on topics related to sexual misconduct.

**Section 17** 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 18** 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 18.3** of this bill prescribes the requirements of the grievance process of an institution within the System, which must be included with the policy on sexual misconduct, if such a policy is required to be adopted.

**Section 18.5** 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 19** 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 20** of this bill authorizes the Board of Regents to require an institution within the System to designate a ~~victim's advocate~~ confidential resource advisor and provide training to the ~~advocate~~ advisor. **Section 21** of this bill sets forth the duties of the ~~victim's advocate~~ confidential resource advisor if an ~~advocate~~ advisor 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 within the System that provide assistance to victims of certain acts. (NRS 49.2545) **Section 28** of this bill includes the provision of services pursuant to **sections 2-27** of this bill to victims of sexual misconduct in the definition of a victim's advocate.

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

**Section 23** 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 24** 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 24.3 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 24.7 and 24.8 of this bill set forth the requirements for conducting an investigation and holding a hearing, respectively. Section 24.5 of this bill authorizes the Board of Regents to require an institution within the System to consider a request from a reporting party who is at least 18 years of age to keep the identity of the reporting party confidential unless state or federal law requires disclosure or further action. Section 24.9 of this bill authorizes an institution to issue a no-contact directive in certain circumstances.

Section 24.95 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 27.1-27.9 of this bill make conforming changes relating to such a waiver.

Section 25 of this bill authorizes the Board of Regents to require an institution within the System to submit ~~an~~ an annual report to the Board of Regents on certain information relating to sexual misconduct. Section 25 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 26 of this bill authorizes the Board of Regents to impose a fine against an institution that does not comply with the requirements imposed by the Board of Regents pursuant to sections 2-27. Section 27 of this bill authorizes the Board of Regents to adopt regulations. Section 28.5 of this bill makes certain information generated pursuant to a climate survey on sexual misconduct and the annual report on sexual misconduct prepared by an institution within the System confidential. (NRS 293.010)

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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 27, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 27, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~23~~ 2.3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

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

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

**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 who reports being a victim of an alleged incident of sexual misconduct to the institution.*

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

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

3       Sec. 7. "Sexual harassment" ~~has the meaning ascribed to it in NRS~~  
4 ~~176A.280,~~ means conduct on the basis of sex, whether direct or indirect, implicit  
5 or explicit, verbal or nonverbal or in person or via virtual or electronic means,  
6 that satisfies one or more of the following:

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

- 12       (a) A sexual advance;  
13       (b) A request for sexual favors; or  
14       (c) Other conduct of a sexual nature.

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

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

19       Sec. 8. "Sexual misconduct" means sexual violence, dating violence,  
20 domestic violence, gender-based violence, ~~stalking, harassment or violence based~~  
21 on sexual orientation, gender identity or expression, sexual assault, sexual  
22 harassment ~~for~~, sexual exploitation, stalking ~~+~~ or other gender-based  
23 harassment or violence.

24       Sec. 9. "Stalking" means ~~a violation of NRS 200.575,~~ engaging in a  
25 course of conduct directed at a specific person that would cause a reasonable  
26 person to:

- 27       1. Fear for his or her safety or the safety of others; or  
28       2. Suffer substantial emotional distress.

29       Sec. 10. "Supportive measures" has the meaning ascribed to it in 34 C.F.R.  
30 § 106.30.

31       Sec. 11. "Trauma-informed response" means a response involving an  
32 understanding of the complexities of sexual misconduct, including, without  
33 limitation:

- 34       1. The neurobiological causes and impacts of trauma; and  
35       2. The influence of social myths and stereotypes surrounding the causes  
36 and impacts of trauma.

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

- 39       (a) The Chair of the Board of Regents, or his or her designee;  
40       (b) The Chancellor of the System, or his or her designee;  
41       (c) The Attorney General, or his or her designee;  
42       (d) ~~Ten~~ Twelve members appointed by the Board of Regents as follows:

- 43       (1) One representative of a state college;  
44       (2) One representative of a community college;  
45       (3) One representative of a university;  
46       (4) One Title IX coordinator from ~~a university,~~ an institution within the  
47 System;

48       ~~((4))~~ (5) Two students who represent a group or organization that  
49 focuses on multiculturalism, diversity or advocacy at a state college or community  
50 college;

51       ~~((5))~~ (6) Two students who represent a group or organization that  
52 focuses on multiculturalism, diversity or advocacy at a university;

~~1~~ ~~(6)~~ (7) One researcher with experience in the development of climate  
2 surveys on sexual misconduct;

~~3~~ ~~(7)~~ (8) One researcher of statistics, data analytics or econometrics with  
4 experience in survey analysis in higher education; ~~and~~

~~5~~ ~~(8)~~ (9) One medical professional from the University of Nevada, Las  
6 Vegas, School of Medicine or the University of Nevada, Reno, School of  
7 Medicine; and

~~8~~ (10) One mental health professional from the University of Nevada, Las  
9 Vegas, School of Medicine or the University of Nevada, Reno, School of  
10 Medicine;

~~11~~ (e) One representative of the Nevada Coalition to End Domestic and Sexual  
12 Violence, or its successor organization, appointed by the Attorney General;

~~13~~ (f) One representative of an organization supporting the rights of victims of  
14 crime, appointed by the Attorney General; ~~and~~

~~15~~ (g) One representative of a nonprofit organization or agency dedicated to  
16 addressing domestic violence or sexual assault, appointed by the Attorney  
17 General; and

~~18~~ (i) One representative of the Every Voice Coalition, or ~~its~~ a successor  
19 organization ~~is~~ dedicated to student and survivor advocacy appointed by the  
20 Attorney General.

~~21~~ 2. After the initial terms, each appointed member of the Task Force serves a  
22 term of 2 years and may be reappointed to one additional 2-year term following  
23 his or her initial term. A vacancy must be filled in the same manner as the  
24 original appointment.

~~25~~ 3. The Task Force shall, at its first meeting and each odd-numbered year  
26 thereafter, elect a Chair from among its members.

~~27~~ 4. The Task Force shall meet at least once annually and may meet at other  
28 times upon the call of the Chair or a majority of the members of the Task Force.

~~29~~ 5. A majority of the members of the Task Force constitutes a quorum, and a  
30 quorum may exercise all the power and authority conferred on the Task Force.

~~31~~ 6. Members of the Task Force serve without compensation, except that for  
32 each day or portion of a day during which a member of the Task Force attends a  
33 meeting of the Task Force or is otherwise engaged in the business of the Task  
34 Force, and within the limits of available money, the member is entitled to receive  
35 the per diem allowance and travel expenses provided for state officers and  
36 employees generally.

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

~~46~~ 8. The Office of the Attorney General shall provide administrative support  
47 to the Task Force.

~~48~~ Sec. 13. 1. ~~[The Task Force on Sexual Misconduct at Institutions of~~  
49 ~~Higher Education created pursuant to section 12 of this act shall] To the extent~~  
50 ~~that money is available, the Board of Regents may appoint researchers employed~~  
51 ~~at one or more institutions within the System to develop a climate survey on~~  
52 ~~sexual misconduct designed to be administered at institutions within the System.~~  
53 ~~[In developing the] The climate survey on sexual misconduct must:~~

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

3 (b) Be fair and unbiased;

4 (c) Be scientifically valid and reliable; and

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

6 2. If appointed to develop a climate survey on sexual misconduct, the ~~Task~~  
7 ~~Force~~ researchers shall:

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

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

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

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

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

19 (f) Account for the diverse needs and differences of the institutions within  
20 the System.

21 ~~2. The~~

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

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

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

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

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

34 ~~(d)~~ (e) Whether a student reported an alleged incident of sexual  
35 misconduct and:

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

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

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

42 (1) Offered supportive measures by an institution;

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

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

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

50 ~~(g)~~ (h) Demographic information that could be used to identify at-risk  
51 groups, including, without limitation, the gender, race and sexual orientation of  
52 the student taking the climate survey on sexual misconduct;

53 ~~(h)~~ (i) Perceptions a student has of campus safety;



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

~~[(k)]~~ (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 or responding party in an alleged incident of sexual misconduct;

~~[(l)]~~ (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; ~~and~~

~~[(m)]~~ (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 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 ~~Task Force~~.

~~3. The Task Force shall provide the Board of Regents with any recommendations respecting the content, timing and administration of the climate survey on sexual misconduct, including, without limitation, recommendations on achieving a response rate that is statistically valid, researchers.~~

4. ~~The Task Force shall deliver the~~ climate survey on sexual misconduct ~~and any recommendations to the Board of Regents at least biennially, with the first survey delivered not later than March 31, 2022,~~ must provide an option for students to decline to answer a question.

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

Sec. 14. 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 the Task Force on Sexual Misconduct at Institutions of Higher Education pursuant to section 13 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 identifying 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. If an)~~

3. A climate survey on sexual misconduct must be administered electronically by an institution within the System ~~[conducts a climate survey on sexual misconduct pursuant to subsection 1, the institution may provide the survey to 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.] and provide reasonable accommodations for students with a disability.~~

4. 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.

5. 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.

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

Sec. 15. 1. If the Board of Regents requires an institution within the System to conduct a climate survey on sexual misconduct pursuant to section 14 of this act, the Board of Regents shall ~~+~~

~~—1—~~ to the extent that money is available;

~~(a) Provide a copy of the questions developed by the [Task Force on Sexual Misconduct at Institutions of Higher Education]~~ researchers employed at an institution within the System pursuant to section 13 of this act to each institution within a reasonable time after the Board of Regents receives the questions from the [Task Force] researchers;

~~(2)~~ (b) Establish a repository for the summaries of the climate survey on sexual misconduct submitted by each institution pursuant to section 14 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 14 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;

~~(4)~~ (d) Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on sexual misconduct; and

~~(5)~~ (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 14 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. 16. ~~The Board of Regents may require an institution within the System to~~

~~1. Require~~ 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 on sexual misconduct adopted pursuant to section 17 of this act to receive annual training on topics related to sexual misconduct which may include, without limitation, any training required pursuant to section 23 of this act.

~~2. Provide a reporting party and responding party 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 and the responding party 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 or responding party.~~

Sec. 17. 1. ~~The Board of Regents may require an institution within the System to adopt a policy on sexual misconduct~~ 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 19 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) A ~~victim's advocate~~ confidential resource advisor designated pursuant to section 20 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 of an alleged incident of sexual misconduct.

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

(a) The procedures by which a student or employee at an 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]~~ A confidential resource advisor designated by the institution pursuant to section 20 of this act;

~~—(3)—~~ (2) The Title IX coordinator of the institution;

~~1~~ ~~(4)~~ (3) *An organization that supports persons accused of sexual misconduct; and*

~~2~~ ~~(5)~~ (4) *An organization that assists victims of sexual misconduct;*

~~3~~ (e) *The rights or obligations of a student or employee to:*

~~4~~ (1) *Notify or decline to notify a law enforcement agency of an alleged incident of sexual misconduct;*

~~5~~ (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;*

~~6~~ (3) *Obtain an order for protection, restraining order or injunction issued by a court; or*

~~7~~ (4) *Obtain an agreement between the reporting party and responding party to restrict contact;*

~~8~~ (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;*

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

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

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

~~12~~ (2) *Taking a leave of absence from the institution in response to an alleged incident of sexual misconduct;*

~~13~~ (3) *How to request supportive measures; and*

~~14~~ (4) *The process to have any supportive measures reviewed by the institution;*

~~15~~ (i) *Appropriate local, state and federal law enforcement agencies, including, without limitation, the contact information for a law enforcement agency; and*

~~16~~ (j) *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 17 of this act and, if required by the Board of Regents, the requirements of section 16 of this act.*

~~17~~ 2. *As used in this section:*

~~18~~ (a) *"Forensic medical examination" has the meaning ascribed to it in NRS 217.300.*

~~19~~ (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.*

~~20~~ Sec. 18.3. 1. The grievance process of an institution within the System relating to reports of an alleged incident of sexual misconduct must require the institution to, without limitation:

~~21~~ (a) Uniformly apply the grievance process to all proceedings relating to reports of an alleged incident of sexual misconduct.

~~22~~ (b) Provide timely and detailed notice to the reporting party and the responding party at the time the institution decides to proceed with any proceeding of the grievance process. The notice must describe:

~~23~~ (1) The date, time and location of the proceeding of the grievance process, if known; and

~~24~~ (2) A summary of the factual allegations concerning the alleged incident of sexual misconduct.

~~25~~ (c) Authorize the reporting party and the responding party to be accompanied by or consult with an advisor or a support person of their choice,

1 including, without limitation, a confidential resource advisor designated pursuant  
2 to section 20 of this act or an attorney, during a meeting with an investigator or  
3 fact finder of the institution or any other proceeding of the grievance process. An  
4 institution may establish guidelines on the extent to which an advisor or support  
5 person may participate in a meeting or other proceeding of the grievance process,  
6 which must apply equally to both the reporting party and the responding party.

7 (d) Provide the reporting party and responding party with a copy of the  
8 policies of the institution regarding the submission and consideration of evidence  
9 that may be considered during the grievance process.

10 (e) Provide an equal opportunity to the reporting party and the responding  
11 party to present evidence and witnesses on their behalf during a proceeding of the  
12 grievance process. A reporting party and responding party must be provided with  
13 timely and equal access to all relevant evidence that will be used in a  
14 determination of the proceeding.

15 (f) Inform students on restrictions on evidence that can be considered by the  
16 fact finder of the institution, including, without limitation, restrictions on the use  
17 of evidence of previous sexual activity of either party or the use of character  
18 witnesses.

19 (g) Inform the reporting party and the responding party of:

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

22 (2) The right of both the reporting party and the responding party to  
23 appeal a determination where:

24 (I) There are procedural errors;

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

27 (III) The sanction is disproportionate to the findings;

28 (3) The process for appealing a determination; and

29 (4) That the reporting party and the responding party have an equal  
30 opportunity to appeal a determination regarding a finding of responsibility or the  
31 imposition of sanctions in accordance with the appeals process of the institution;  
32 and

33 (h) Unless otherwise required by state or federal law, not disclose the identity  
34 of a reporting party or responding party, including, without limitation, an  
35 address, job location, telephone number, electronic mail address or other contact  
36 information or information that may disclose the location of a party to the other  
37 party.

38 2. If the Board of Regents requires the adoption of a policy on sexual  
39 misconduct pursuant to section 17 of this act, the policy must contain clear  
40 statements of the information described in subsection 1 and a statement that the  
41 grievance process of the institution is not a substitute for the system of criminal  
42 justice.

43 Sec. 18.5. 1. To the extent practicable, the Board of Regents may require  
44 an institution within the System to enter into a memorandum of understanding  
45 with a local law enforcement agency of the jurisdiction in which the main  
46 campus of the institution is located to establish the respective roles and  
47 responsibilities of the institution and the law enforcement agency relating to the  
48 prevention of and response to alleged incidents of sexual misconduct on-campus  
49 and off-campus. Such a memorandum of understanding must, without limitation:

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



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

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

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

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

(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 and is fully informed of the consequences of releasing such documentation or information;

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

(e) Include methods for notifying a 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 the Board of Regents requires an institution within the System to enter into a memorandum of understanding pursuant to subsection 1, the Board of Regents may waive the requirement if the institution demonstrates that it acted in good faith to enter into a memorandum of understanding but was unable to do so.

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

5. 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. 19. 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;**

(b) Provide for office space on a campus of the institution for a ~~victim's advocate~~ confidential resource advisor from the organization that assists victims of sexual misconduct to confidentially meet with a student or employee; ~~and~~

(c) 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 an alleged incident of 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;

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

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

(3) Training victim's advocates;

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

(5) The development and implementation of training and prevention curriculum for employees of the institution ~~for~~ and

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

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

3. 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. 20. 1. The Board of Regents may require an institution within the System to designate a ~~victim's advocate~~ confidential resource advisor. If the Board of Regents requires the designation of a ~~victim's advocate~~ confidential resource advisor an institution may:

(a) Partner with an organization that assists victims of sexual misconduct to designate a ~~victim's advocate~~ confidential resource advisor;

(b) If the institution enrolls less than 1,000 students who reside in campus housing, partner with another institution within the System to designate a ~~victim's advocate~~ confidential resource advisor; or

(c) Designate existing categories of employees who may serve as a ~~victim's advocate~~ confidential resource advisor.

2. A ~~victim's advocate~~ confidential resource advisor designated pursuant to subsection 1:

(a) May have another role at the institution;

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



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

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

3. *If an institution within the System designates a ~~victim's advocate~~ confidential resource advisor pursuant to subsection 1, the institution shall provide training to the ~~victim's advocate~~ confidential resource advisor on:*

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

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

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

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

4. *An institution within the System that designates a ~~victim's advocate~~ confidential resource advisor pursuant to subsection 1 shall ensure the availability of a ~~victim's advocate~~ confidential resource advisor to students within a reasonable distance from the institution ~~or by electronic means if it is not practicable to provide for the availability of a confidential resource advisor in person.~~*

Sec. 21. 1. *If a ~~victim's advocate~~ confidential resource advisor is designated pursuant to section 20 of this act, the ~~victim's advocate~~ confidential resource advisor shall:*

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

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

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

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

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

(4) *Available supportive measures;*

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

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

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

(8) *Any limits on the ability of the ~~victim's advocate~~ confidential resource advisor to provide privacy or confidentiality to the student or employee; and*

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

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

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

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

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

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

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

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

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

2. If a ~~victim's advocate~~ confidential resource advisor is designated pursuant to section 20 of this act, the ~~victim's advocate~~ confidential resource advisor may:

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

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

3. Notice to a ~~victim's advocate~~ confidential resource advisor of an alleged incident of sexual misconduct or the performance of services by a ~~victim's advocate~~ confidential resource advisor pursuant to this section must not be considered actual or constructive notice of an alleged incident of sexual misconduct to the institution within the System which designated the ~~victim's advocate~~ confidential resource advisor pursuant to section 20 of this act.

4. If a conflict of interest arises between the institution within the System which designated a ~~victim's advocate~~ confidential resource advisor and the ~~victim's advocate~~ confidential resource advisor in advocating for the provision of supportive measures by the institution to a reporting party ~~and~~ or a responding party, the institution shall not discipline, penalize or otherwise retaliate against the ~~victim's advocate~~ confidential resource advisor for advocating for the reporting party ~~and~~ or the responding party.

Sec. 22. 1. The Board of Regents may ~~require~~ prohibit an institution within the System ~~not to subject~~ from subjecting a reporting party or a witness who reports an alleged incident of sexual misconduct to a disciplinary proceeding or sanction for a violation of a policy on student conduct related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of an institution that occurred during or related to an alleged incident of sexual misconduct unless the institution determines that the:

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

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

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

Sec. 23. 1. The Board of Regents may require an institution within the System to provide training on the grievance process of the institution to an

employee who is a participant in the grievance process. The training must include, without limitation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) If a ~~victim's advocate~~ confidential resource advisor is designated pursuant to section 20 of this act, the name, contact information and role of the ~~victim's advocate~~ confidential resource advisor;

(g) Strategies for intervention by bystanders;

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

1 (i) Any other opportunities for additional programming on awareness and  
2 prevention of sexual misconduct.

3 2. If an institution provides programming on awareness and prevention of  
4 sexual misconduct pursuant to subsection 1, the institution : ~~may~~

5 (a) ~~Coordinate~~ Shall coordinate with the Title IX coordinator of the  
6 institution ~~may~~ ;

7 (b) May coordinate with a law enforcement agency and, if the institution  
8 entered into a memorandum of understanding with an organization that assists  
9 victims of sexual misconduct pursuant to section 19 of this act, that organization;  
10 and

11 ~~(b) Require~~

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

14 3. If an institution provides programming on awareness and prevention of  
15 sexual misconduct pursuant to subsection 1, the programming must be trauma-  
16 informed, inclusive of persons who are lesbian, gay, bisexual, transgender or  
17 questioning, culturally responsive and address the unique experiences and  
18 challenges faced by students based on the race, ethnicity, national origin,  
19 economic status, disability, gender identity or expression, immigration status and  
20 sexual orientation of a student.

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

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

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

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

27 (d) If the alleged incident of sexual misconduct is determined to have  
28 occurred based on a preponderance of the evidence, take reasonable steps in  
29 response to the incident of sexual misconduct, including, without limitation,  
30 addressing a hostile environment, if such an environment has been created,  
31 preventing the recurrence of the conduct and addressing the effects of the  
32 conduct.

33 2. If an institution within the System conducts an investigation pursuant to  
34 section 24.7 of this act or holds a hearing pursuant to section 24.8 of this act, the  
35 institution shall inform both the reporting party and the responding party of the  
36 investigation or hearing in a way that both the reporting party and responding  
37 party have the opportunity to meaningfully exercise their rights to a grievance  
38 process that is prompt, fair and impartial and include, without limitation, any  
39 information posted on the Internet website of the institution relating to the  
40 grievance process of the institution.

41 3. An institution shall be deemed to know, or reasonably should know,  
42 about a possible incident of sexual misconduct if an employee with a duty to  
43 report an incident of sexual misconduct knew of the possible incident of sexual  
44 misconduct or, in the exercise of reasonable care, should have known of, the  
45 possible incident of sexual misconduct.

46 4. As used in this section, "hostile environment" means an environment  
47 where a student or employee experiences harassment that is sufficiently severe,  
48 persistent or pervasive enough to limit or deny;

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

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

1        Sec. 24.5. 1. The Board of Regents may require an institution within the  
2 System to consider a request from a reporting party who is 18 years of age or  
3 older to keep the identity of the reporting party confidential or take no  
4 investigative or disciplinary action against a responding party. An institution  
5 shall not grant such a request if state or federal law requires disclosure or further  
6 action. In determining whether to grant such a request, the institution shall  
7 consider whether there is a risk that the responding party may commit additional  
8 acts of sexual misconduct, violence, discrimination or harassment based on  
9 whether one or more of the following factors are present to a sufficient degree:

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

12        (b) The responding party allegedly used a weapon;

13        (c) The responding party threatened violence, discrimination or harassment  
14 against the reporting party or other persons;

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

17        (e) The circumstances surrounding the alleged incident of sexual misconduct  
18 indicate that the incident was premeditated and, if so, whether the responding  
19 party or another person allegedly premeditated the incident;

20        (f) The circumstances surrounding the alleged incident of sexual misconduct  
21 indicate a pattern of consistent behavior at a particular location or by a  
22 particular group of people;

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

25        (h) There are any other factors that indicate the responding party may repeat  
26 the behavior alleged by the reporting party or that the reporting party or other  
27 persons may be at risk of harm.

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

32        (a) Respond to the report of the alleged incident of sexual misconduct while  
33 maintaining the confidentiality of the reporting party;

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

35        (c) Prevent the recurrence of any misconduct.

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

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

40        (b) Providing additional training and educational materials for students and  
41 employees, including, without limitation, information on options for anonymous  
42 reporting, confidential reporting, formal complaints and informal resolutions; or

43        (c) Ensuring a reporting party is informed of and has access to appropriate  
44 supportive measures.

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

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

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

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

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

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

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

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

15 (c) Equitably collect and use evidence, including, without limitation,  
16 providing that:

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

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

23 (3) An investigator may not consider the existence of a dating  
24 relationship or previous or subsequent consensual sexual conduct between the  
25 reporting party and the responding party unless the evidence is relevant to  
26 demonstrate how the parties communicated consent in previous or subsequent  
27 consensual sexual conduct; and

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

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

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

38 4. An institution within the System shall provide periodic updates on the  
39 investigation to the reporting party and the responding party regarding the  
40 timeline of the investigation.

41 5. An institution within the System shall notify the reporting party and the  
42 responding party of the findings of an investigation simultaneously.

43 6. If an institution within the System imposes any disciplinary action based  
44 on the findings of an investigation on a responding party, such disciplinary  
45 action must be imposed in accordance with the grievance process of the  
46 institution.

47 Sec. 24.8. 1. After conducting an investigation pursuant to section 24.7 of  
48 this act, an institution within the System shall determine whether to hold a  
49 hearing. In determining whether to hold a hearing, the institution may consider  
50 whether the reporting party and responding party cooperated in the investigation  
51 and whether each party had the opportunity to suggest questions to be asked of  
52 the other party or witnesses, or both, during the investigation. The following rules  
53 apply to any hearing conducted pursuant to this section:



1 (a) Except as otherwise determined by the hearing officer, the reporting  
2 party or responding party may not introduce evidence, including, without  
3 limitation, witness testimony, at the hearing that was not disclosed or available  
4 during the investigation conducted pursuant to section 24.7 of this act. The  
5 hearing officer may accept such evidence for good cause.

6 (b) Except as otherwise required by federal law, any cross examination of the  
7 reporting party, the responding party or any witness may not be conducted  
8 directly by the reporting party or responding party, or an advisor to the reporting  
9 party or responding party, as applicable.

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

12 (d) The reporting party and the responding party shall have the opportunity  
13 to submit written questions to the hearing officer in advance of the hearing. At  
14 the hearing, the reporting party and the responding party shall have the  
15 opportunity to note an objection to any question posed by the other party. The  
16 hearing officer may limit objections to written form. The hearing officer shall  
17 note an objection on the record, but is not otherwise required to respond to an  
18 objection. The hearing officer shall discard or rephrase any question the hearing  
19 officer deems to be repetitive, irrelevant or harassing. In making a determination  
20 pursuant to this paragraph, the hearing officer may use, but is not bound by, the  
21 rules of evidence at common law.

22 (e) All determinations must be based on a preponderance of the evidence.

23 2. Except as otherwise provided in this subsection, an institution within the  
24 System that receives a report shall take not more than 60 calendar days to reach a  
25 final determination regarding the alleged incident of sexual misconduct. An  
26 institution may take more than 60 calendar days to reach a final determination  
27 for good cause, which includes, without limitation, unworked holiday breaks, a  
28 mutual agreement of the reporting party and the responding party or waiting for  
29 evidence that has been requested from a third party. Good cause does not include,  
30 without limitation, worked holiday breaks, distance barriers that can be overcome  
31 through videoconferencing, graduation of one of the parties, unnecessary  
32 requests for delay that the institution reasonably perceives to be delay tactics or  
33 police investigations that require more than a temporary delay.

34 3. The institution shall inform the parties of the appeals process in  
35 accordance with its grievance process.

36 4. An institution within the System shall provide periodic updates on any  
37 hearing or appeals process to the reporting party and responding party,  
38 including, without limitation, written notice of any delays.

39 Sec. 24.9. 1. An institution within the System may issue a no-contact  
40 directive prohibiting the responding party and the reporting party from  
41 contacting each other during the pendency of an investigation and hearing. An  
42 institution may issue a no-contact directive if the directive is necessary to:

43 (a) Protect the safety or well-being of either the reporting party or the  
44 responding party; or

45 (b) Respond to interference with an investigation.

46 2. A no-contact directive issued after a decision of responsibility against the  
47 responding party has been made is unilateral and applies only against the  
48 responding party.

49 3. If an institution issues a mutual no-contact directive, the institution shall  
50 provide the reporting party and the responding party with a written justification  
51 for the directive and an explanation of the terms of the directive, including,  
52 without limitation, a description of the circumstances, if any, under which a  
53 violation of the directive may subject the party to disciplinary action.

1        Sec. 24.95. 1. A student who experiences sexual misconduct may request  
2 a waiver from any requirement to maintain a certain grade point average, credit  
3 enrollment, or other academic or disciplinary record requirement relating to  
4 academic success for any scholarship, grant or other academic program offered  
5 by an institution within the System. A waiver may be granted by a confidential  
6 resource advisor designated pursuant to section 20 of this act, the Title IX  
7 coordinator of the institution, a law enforcement officer employed by the  
8 institution, an academic advisor or staff member of a disability resource center of  
9 the institution.

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

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

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

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

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

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

24        ~~(e) (d) The number of ~~sanctions or remedies imposed on a responding~~~~  
25 ~~party~~ persons sanctioned by the institution as a result of a finding of  
26 responsibility for an incident of sexual misconduct ~~or~~ or the number of remedies  
27 provided to a reporting party;

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

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

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

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

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

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

48        Sec. 26. 1. The Board of Regents may, after reasonable notice and  
49 opportunity for hearing, determine that an institution within the System failed to  
50 comply with a requirement imposed by the Board of Regents pursuant to sections  
51 2 to 27, inclusive, of this act. If the Board of Regents determines an institution  
52 failed to comply with a requirement imposed by the Board, the Board may, for  
53 each violation, impose a fine of not more than \$150,000 or 1 percent of the



1 *annual operating budget of the institution, whichever is less, against the*  
2 *institution.*

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

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

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

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

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

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

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

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

24 396.890 1. The Board of Regents may administer, directly or through a  
25 designated officer or employee of the System, a program to provide loans for fees,  
26 books and living expenses to students in the nursing programs of the System.

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

28 (a) Have been a "bona fide resident" of Nevada, as that term is defined in NRS  
29 396.540, for at least 6 months prior to the "matriculation" of the student in the  
30 System, as that term is defined pursuant to NRS 396.540;

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

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

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

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

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

42 (b) Each student receiving a loan must repay the loan with interest following  
43 the termination of the student's education for which the loan is made. The loan  
44 must be repaid in monthly installments over the period allowed with the first  
45 installment due 1 year after the date of the termination of the student's education  
46 for which the loan is made. The amounts of the installments must not be less than  
47 \$50 and may be calculated to allow a smaller payment at the beginning of the  
48 period of repayment, with each succeeding payment gradually increasing so that the  
49 total amount due will have been paid within the period for repayment. The period  
50 for repayment of the loans must be:

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

52 (2) Eight years for loans which total \$10,000 or more, but less than  
53 \$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. 27.5. 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~~ and section 24.95 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 students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 4.

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

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

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

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

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

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

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

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

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

6. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an

1 application to legalize his or her immigration status as soon as he or she is eligible  
2 to do so.

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

4 396.934 1. Except as otherwise provided in this section, within the limits of  
5 money available in the Trust Fund, a student who is eligible for a Millennium  
6 Scholarship is entitled to receive:

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

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

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

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

29 ➤ In no event may a student who is eligible for a Millennium Scholarship receive  
30 more than the cost of 15 semester credits per semester pursuant to this subsection.

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

32 (a) To pay for remedial courses.

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

34 3. Except as otherwise provided in NRS 396.936, **and section 24.95 of this**  
35 **act,** a student who receives a Millennium Scholarship shall:

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

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

40 4. A student who receives a Millennium Scholarship is encouraged to  
41 volunteer at least 20 hours of community service for this State, a political  
42 subdivision of this State or a charitable organization that provides service to a  
43 community or the residents of a community in this State during each year in which  
44 the student receives a Millennium Scholarship.

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

49 (a) Subsequently satisfies the requirements of subsection 3 in a semester in  
50 which he or she is not eligible for the Millennium Scholarship, the student is  
51 eligible for the Millennium Scholarship for the student's next semester of  
52 enrollment.

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

6. A Millennium 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 eligible institution.

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

8. The Board of Regents shall establish:

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

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

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

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

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

(a) Two recipients who are students enrolled at:

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

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

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

(b) Two recipients who are students enrolled at:

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

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

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

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

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

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

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

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

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

(f) Have a record of community service.

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

4. The State Treasurer shall forward all applications received pursuant to subsection 3 to the Board. The Board shall review and evaluate each application received from the State Treasurer and select each recipient of the Memorial 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. 28.** 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 27, inclusive, of this act with or without compensation and who has received at least 20 hours of relevant training.

**Sec. 28.5.** 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,

1 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300,  
2 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,  
3 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140,  
4 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,  
5 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130,  
6 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105,  
7 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,  
8 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387,  
9 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,  
10 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351,  
11 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,  
12 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240,  
13 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160,  
14 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,  
15 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,  
16 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365,  
17 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325,  
18 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447,  
19 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115,  
20 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749,  
21 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205,  
22 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,  
23 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840,  
24 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220,  
25 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773,  
26 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164,  
27 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,  
28 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,  
29 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093,  
30 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469,  
31 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,  
32 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210,  
33 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,  
34 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,  
35 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,  
36 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,  
37 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214,  
38 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485,  
39 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620,  
40 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191,  
41 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800,  
42 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,  
43 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,  
44 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,  
45 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,  
46 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370,  
47 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152,  
48 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,  
49 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,  
50 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,  
51 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,  
52 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725,  
53 706A.230, 710.159, 711.600, sections 14, 15 and 25 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, the confidential information from the information included in the public book or record that is not otherwise confidential.

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

(a) The public record:

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

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

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

(1) Give access to proprietary software; or

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

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

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

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

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

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

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

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