

Amendment No. 682

Senate Amendment to Senate Bill No. 347 First Reprint	(BDR 34-237)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: Yes 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.

AMM/AAK



Date: 5/21/2021

S.B. No. 347—Revises provisions governing sexual misconduct in institutions of the Nevada System of Higher Education. (BDR 34-237)



SENATE BILL NO. 347—SENATOR SCHEIBLE

MARCH 24, 2021

JOINT SPONSOR: ASSEMBLYWOMAN TORRES

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; authorizing the Board of Regents of the University of Nevada to appoint researchers to develop a climate survey on sexual misconduct; authorizing the Board of Regents to require the institutions within the Nevada System of Higher Education to administer the climate survey to students; authorizing the imposition of additional requirements for the grievance process at an institution within the System; authorizing the Board of Regents to require each institution within the System to adopt a policy on sexual misconduct, enter into a memorandum of understanding with certain organizations ~~[and local law enforcement agencies]~~ and designate ~~[a confidential resource advisor]~~ ***an advocate***; prohibiting an institution within the System from imposing certain sanctions on certain students; authorizing the Board of Regents to require an institution within the System to take certain actions regarding a report of an alleged incident of sexual misconduct; providing for certain training and programming related to sexual misconduct; authorizing a student who has experienced sexual misconduct to request a waiver from certain requirements of scholarships or academic activities; authorizing the Board of Regents to require an annual report from institutions within the System on certain information relating to sexual misconduct; ~~[authorizing the Board of Regents to 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 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 12.5 of this bill prescribes the duties of the Task Force.** **Section 13** of this bill 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, 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 receive annual training on topics related to sexual misconduct~~ **meet certain requirements related to the grievance process of the institution.**

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~~ **persons involved in** 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 confidential resource advisor~~ **an advocate** and provide training to the ~~advisor~~ **advocate.** **Section 21** of this bill sets forth the duties of the ~~confidential resource advisor~~ **advocate** if an ~~advisor~~ **advocate** is designated by an institution. Under existing law, certain communications between a victim and a victim's advocate are deemed to be confidential. (NRS 49.2546) Existing law defines a victim's advocate as a person who works for certain programs 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~~ **prohibit** an institution within the System ~~to prohibit~~ **from** sanctioning a **complainant**, 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~~ **an** 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~~ **determine the responsibility of a respondent for** an alleged incident of sexual misconduct ~~Sections~~

59 based on a preponderance of the evidence. Section 24.7 ~~and 24.8~~ of this bill ~~set~~ sets
60 forth the requirements for conducting an investigation ~~and holding a hearing, respectively.~~
61 **Section 24.5** of this bill authorizes the Board of Regents to require an institution within the
62 System to ~~consider~~ accept a request from a ~~reporting party~~ complainant who is at least 18
63 years of age to keep the identity of the ~~reporting party~~ complainant confidential unless state
64 or federal law requires disclosure or further action. **Section 24.9** of this bill authorizes an
65 institution to issue a no-contact directive in certain circumstances.

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

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

74 ~~Section 26 of this bill authorizes the Board of Regents to impose a fine against an~~
75 ~~institution that does not comply with the requirements imposed by the Board of Regents~~
76 ~~pursuant to sections 2-27.~~ **Section 27** of this bill authorizes the Board of Regents to adopt
77 regulations.

78 **Section 28.5** of this bill makes certain information generated pursuant to a climate survey
79 on sexual misconduct and the annual report on sexual misconduct prepared by an institution
80 within the System confidential. (NRS 293.010)

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

1 **Section 1.** Chapter 396 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 27, inclusive, of this act.

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

6 **Sec. 2.3.** ~~“Course of conduct”~~ “Complainant” means a ~~pattern of two or~~
7 ~~more acts that may include, without limitation, following, monitoring, observing,~~
8 ~~surveilling, threatening or communicating to or about a person or interfering~~
9 ~~with a person’s property, whether through direct or indirect, implicit or explicit,~~
10 ~~verbal or nonverbal or in person or via virtual or electronic means.~~ student or
11 employee of an institution within the System who is alleged to be the victim of
12 conduct that could constitute sexual misconduct.

13 **Sec. 2.5.** “Dating violence” has the meaning ascribed to it in 34 U.S.C. §
14 12291(a). ~~“The term includes, without limitation, physical or sexual violence,~~
15 ~~emotional abuse, interfering with the victim’s ability to secure a job or save~~
16 ~~money, violence or a threat of violence toward the victim’s child, family, friends,~~
17 ~~pets or property, threat of suicide by the perpetrator or a threat by the perpetrator~~
18 ~~to report the victim to police, immigration officials, child protective services or a~~
19 ~~mental health facility.”~~

20 **Sec. 3.** “Domestic violence” has the meaning ascribed to it in 34 U.S.C. §
21 12291(a).

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

25 **Sec. 5.** ~~“Responding party”~~ “Respondent” means a ~~student or employee~~
26 ~~of an institution within the System~~ person who has been ~~accused of committing~~

~~an alleged incident off reported to be the perpetrator of conduct that could constitute sexual misconduct. [by a reporting party.]~~

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

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

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

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

2. Unwelcome sexual advances, requests for sexual favors and conduct [determined by a reasonable person to be] of a sexual nature or evincing gender bias:

(a) That, in the educational environment, is made a term or condition of a student’s academic status or, based on an objective standard, is sufficiently severe, persistent or pervasive [and objectively offensive] that it interferes with, limits or effectively denies a [person equal access to] student the ability to participate in or benefit from the [education programs or] services, activities [off] or opportunities offered by an institution within the System.

(b) Where, in the workplace, submission to or rejection of the sexual advances, requests for sexual favors or conduct is used as a basis for decisions or evaluations related to academics or employment or permission to participate in a service, activity or opportunity offered by an institution within the System or that, based on an objective standard, is sufficiently severe, persistent or pervasive that it creates an intimidating, hostile or abusive work environment which may or may not interfere with an employee’s job performance.

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

Sec. 8. “Sexual misconduct” means ~~[sexual violence]~~ dating violence, domestic violence, gender-based violence, ~~[stalking, harassment or]~~ gender-based harassment, violence based on sexual orientation ~~[,]~~ or gender identity or expression, sexual assault, sexual harassment, ~~[sexual exploitation,]~~ stalking or ~~[other gender-based harassment or violence,]~~ indecent exposure.

Sec. 9. “Stalking” ~~[means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:~~

~~1. Fear for his or her safety or the safety of others; or~~

~~2. Suffer substantial emotional distress.] has the meaning ascribed to it in~~

34 C.F.R. § 106.30.

Sec. 9.5. “Student” includes, without limitation, a former student of an institution within the System who took a leave of absence or withdrew from the institution due to being a complainant or respondent.

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

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

1. Perpetrator methodology;
2. Conducting an effective investigation;
3. The neurobiological causes and impacts of trauma; and

~~(2)~~ 4. *The influence of social myths and stereotypes surrounding the causes and impacts of trauma.*

Sec. 12. *1. There is hereby created the Task Force on Sexual Misconduct at Institutions of Higher Education consisting of ~~(10)~~ 12 members as follows:*

~~(a) The ~~Chair of the Board of Regents, or his or her designee,~~~~

~~— (b) The Chancellor of the System, or his or her designee;~~

~~— (c) (b) The ~~Attorney~~ Chief General ~~—~~ Counsel of the System, or his or her designee;~~

~~— (d) ~~Twelve~~ and~~

~~— (e) Ten members appointed by the Board of Regents as follows:~~

~~(1) One representative of a state college;~~

~~(2) One representative of a community college;~~

~~(3) One representative of a university;~~

~~(4) One Title IX coordinator from an institution within the System;~~

~~(5) ~~Two students~~ One student, appointed in consultation with a student government association, who ~~represent~~ represents a group or organization that focuses on multiculturalism, diversity or advocacy at a state college or community college;~~

~~(6) ~~Two students~~ One student, appointed in consultation with a student government association, who ~~represent~~ represents a group or organization that focuses on multiculturalism, diversity or advocacy at a university;~~

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

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

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

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

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

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

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

~~— (h) One representative of the Every Voice Coalition, or a successor organization dedicated to student and survivor advocacy appointed by the Attorney General; person who serves as a victim's advocate, as defined in NRS 49.2545, at an institution within the System.~~

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

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

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

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

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a

meeting of the Task Force or is otherwise engaged in the business of the Task Force, and within the limits of available money, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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

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

Sec. 12.5. 1. The Task Force on Sexual Misconduct at Institutions of Higher Education created by section 12 of this act shall:

(a) Review the results of any climate survey on sexual misconduct administered at an institution within the System; and

(b) Each year, hold a meeting open to the public to provide recommendations to the Board of Regents on how to address sexual misconduct at institutions within the System.

2. A meeting held pursuant to subsection 1 is not subject to the provisions of chapter 241 of NRS.

Sec. 13. 1. To the extent that money is available, the Board of Regents may appoint researchers employed at one or more institutions within the System to develop a climate survey on sexual misconduct designed to be administered at institutions within the System. The climate survey on sexual misconduct must:

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

(b) Be fair and unbiased;

(c) Be scientifically valid and reliable; and

(d) Meet the highest standards of survey research.

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

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

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

(c) Consult with a student government association;

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

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

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

~~(f)~~ (g) Account for the diverse needs and differences of the institutions within the System.

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

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

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

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

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

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

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

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

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

(1) Offered supportive measures by an institution;

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

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

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

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

(i) Perceptions a student has of campus safety;

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

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

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

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

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

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

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

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

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

4 Sec. 14. 1. To the extent that money is available, the Board of Regents
5 may require each institution within the System to conduct a climate survey on
6 sexual misconduct at the institution biennially.

7 2. A climate survey on sexual misconduct conducted pursuant to subsection
8 1 must include the questions developed by researchers employed at an institution
9 within the System pursuant to section 13 of this act. If an institution within the
10 System includes additional questions on a climate survey on sexual misconduct
11 pursuant to subsection 1, the questions must not be unnecessarily traumatizing
12 for a victim of an alleged incident of sexual misconduct.

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

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

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

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

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

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

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

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

27 ~~(1) The personally identifiable information of any person, the summary~~
28 ~~of the responses to the climate survey on sexual misconduct, and~~

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

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

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

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

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

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

46 (a) Provide a copy of the questions developed by the researchers employed at
47 an institution within the System pursuant to section 13 of this act to each
48 institution within a reasonable time after the Board of Regents receives the
49 questions from the researchers;

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

52 (c) Post each summary of the responses to a climate survey on sexual
53 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;~~ personally identifiable information of any person;

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

(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 ~~underlie~~ underlie 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 ~~require~~ :

1. Require employees who participate in the grievance process of the institution pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or a policy 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 ~~to~~ ;

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

3. Except as otherwise required by federal law, within 14 business days after the conclusion of the grievance process, inform the complainant and the respondent of the result of the grievance process; and

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

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~~ persons involved in 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 confidential resource advisor;~~ An advocate 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) A provider of health care;

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

~~[(7)]~~ (8) 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) Upon request, to a prospective student, current student or employee of the institution; and

(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]~~ A policy on sexual misconduct adopted pursuant to section 17 of this act ~~[, the policy]~~ must include, without limitation, information on:

~~[(a)]~~ 1. 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) A confidential resource advisor designated by the institution pursuant to section 20 of this act;~~

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

~~— (3) An organization that supports persons accused of sexual misconduct; and~~

~~— (4) An organization that assists victims of sexual misconduct;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— [(j)] 4. The grievance process of the institution for investigating and resolving a report of an alleged incident of sexual misconduct. [pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., the policy on sexual misconduct adopted pursuant to section 17 of this act and, if required by the Board of Regents, the requirements of section 16 of this act.]~~

~~— 2. As used in this section:~~

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

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

~~Sec. 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:~~

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

~~— (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:~~

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

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

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

~~(d) Provide the 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.~~

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

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

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

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

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

~~(I) There are procedural errors;~~

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

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

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

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

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

~~2. If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to section 17 of this act, the policy must contain clear statements of the information described in subsection 1 and a statement that the grievance process of the institution is not a substitute for the system of criminal justice.] (Deleted by amendment.)~~

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

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

~~—(b) Provide for a cross-jurisdictional or multi-jurisdictional response or investigation, as appropriate, 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. (Deleted by amendment.)~~

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]~~ persons involved in sexual misconduct. The memorandum of understanding may, without limitation:

(a) ~~[Ensure]~~ Allow for cooperation and training between the institution and the organization that assists ~~[victims of]~~ persons involved in sexual misconduct to ~~[ensure]~~ establish an understanding of the:

(1) Responsibilities that the institution and organization that assists ~~[victims of]~~ persons involved in 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 confidential resource advisor from the organization that assists victims of sexual misconduct to confidentially meet with a student or employee;~~

~~—(c)—~~ Require an organization that assists ~~[victims of]~~ persons involved in 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; and

(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]~~ Assist with the development and implementation of education and prevention programs for students of the institution; and

~~[(5) The]~~

(4) Assist with the development and implementation of training and prevention curriculum for employees of the institution; and

~~[(4)]~~ (c) Include a fee structure for any services provided by the organization that assists ~~[victims of]~~ persons involved in 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” “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 confidential resource advisor.]~~ an advocate. ~~If the Board of Regents requires the designation of [a confidential resource advisor]~~ an advocate, an institution shall designate existing categories of employees who may serve as an advocate. An institution may:

(a) Partner with an organization that assists ~~[victims of]~~ persons involved in sexual misconduct to designate ~~[a confidential resource advisor.]~~ an advocate; or

(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 confidential resource advisor; or~~

~~—(c) Designate existing categories of employees who may serve as a confidential resource advisor.]~~ an advocate.

2. ~~[A confidential resource advisor]~~ An advocate designated pursuant to subsection 1:

(a) ~~[May have another role at the institution;~~

~~—(b)—~~ Must not be ~~fa 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 or whose position at the institution may create a conflict of interest;

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

~~—(d)—~~ (c) Must have completed at least 20 hours of relevant training.

3. If an institution within the System designates ~~fa confidential resource advisor,~~ an advocate pursuant to subsection 1, the ~~institution shall provide training to the confidential resource advisor,~~ advocate must be trained 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 ~~fa confidential resource advisor,~~ an advocate pursuant to subsection 1 shall ~~ensure~~ provide for the availability of ~~fa confidential resource advisor,~~ an advocate to students within a reasonable distance from the institution or by electronic means if it is not practicable to provide for the availability of ~~fa confidential resource advisor,~~ an advocate in person.

Sec. 21. 1. If ~~fa confidential resource advisor,~~ an advocate is designated pursuant to section 20 of this act, the ~~confidential resource advisor,~~ advocate 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 ~~fa~~ local ~~organization that assists victims of sexual misconduct,~~ community resources;

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

(4) Available supportive measures;

(5) Counseling related to student loans ; ~~f, 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 ~~confidential resource advisor,~~ advocate 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)—~~ (b) 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;

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 ~~for~~ ~~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, 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.]~~
appropriate employees, as determined by the Board of Regents.

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 ~~if a confidential resource advisor~~ an advocate is designated pursuant to section 20 of this act, the name, contact information and role of the ~~confidential resource advisor~~ advocate;

(g) Strategies for intervention by bystanders;

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

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

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

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

(b) May coordinate with a law enforcement agency and, if the institution entered into a memorandum of understanding with an organization that assists ~~victim of~~ persons involved in sexual misconduct pursuant to section 19 of this act, that organization; and

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

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

Sec. 24.3. ~~1.1~~ The Board of Regents may require an institution within the System that receives a report ~~for has reason to know~~ of an alleged incident of sexual misconduct that involves a student or employee of the institution ~~1.1~~ to ~~1.1~~

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

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

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

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

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

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

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

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

~~1 (b) An employee the ability to effectively or comfortably work at the~~
~~2 institution, determine the responsibility of a respondent, if any, based on a~~
~~3 preponderance of the evidence.~~

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

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

19 (b) The ~~responding party~~ respondent allegedly used a weapon;

20 (c) The ~~responding party~~ respondent threatened violence, discrimination or
21 harassment against the ~~reporting party~~ complainant or other persons;

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

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

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

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

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

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

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

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

43 (c) Prevent the recurrence of any misconduct.

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

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

48 (b) Providing additional training and educational materials for students and
49 employees ~~; including, without limitation, information on options for~~
50 ~~anonymous reporting, confidential reporting, formal complaints and informal~~
51 ~~resolutions~~; or

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

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

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

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

(b) ~~Provide~~ Make available supportive measures for the ~~reporting party~~ complainant; and

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

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

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

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

(c) ~~Equitably collect~~ Ensure that questions and use evidence ~~including, without limitation, providing that:~~

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

~~(2) An investigator may not consider any previous or subsequent sexual history between the reporting party and any party other than the responding party; complainant are not considered relevant unless the history is;~~

~~(1) Questions or evidence are directly relevant to prove that any physical injuries, the conduct alleged to have been inflicted, committed by the responding party were; respondent was inflicted by another person;~~

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

~~(2) Questions and evidence is are relevant to demonstrate how the parties communicated consent in previous or subsequent consensual sexual conduct. and~~

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

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

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

~~1~~ ~~2.~~ 2. An institution within the System shall provide periodic updates on the investigation to the ~~reporting party~~ complainant and the ~~responding party~~ respondent regarding the timeline of the investigation.

~~5.~~ 3. An institution within the System shall notify the ~~reporting party~~ complainant and the ~~responding party~~ respondent of the findings of an investigation simultaneously.

~~6.~~ 4. If an institution within the System imposes any disciplinary action based on the findings of an investigation on a ~~responding party~~ respondent, such disciplinary action must be imposed in accordance with the grievance process of the institution.

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

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

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

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

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

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

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

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

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

Sec. 24.9. 1. An institution within the System may issue a no-contact directive prohibiting the ~~responding party~~ complainant and the ~~reporting party~~ respondent from contacting each other ~~during the pendency of an investigation and hearing.~~ An institution may issue a no-contact directive if the directive is necessary to ~~it~~ without limitation:

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

(b) Respond to interference with an investigation.

2. A no-contact directive issued against the respondent after a decision of responsibility if any, against the responding party has been made ~~is~~ may be unilateral and ~~applies~~ applied only against the ~~responding party~~ respondent.

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

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

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

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

(a) The total number of reports of alleged incidents of sexual misconduct made to the Title IX office of the institution;

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

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

(d) The number of persons sanctioned by the institution as a result of a finding of responsibility for an incident of sexual misconduct ~~for the number of remedies provided to a reporting party;~~ ; and

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

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

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

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

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

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

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

~~2. The Board of Regents shall use any money collected from the imposition of a fine pursuant to subsection 1 to administer and enforce the provisions of sections 2 to 27, inclusive, of this act. (Deleted by amendment.)~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

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

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

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

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

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

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

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he or she is not eligible for the Millennium Scholarship, the student is eligible for the Millennium Scholarship for the student's next semester of 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, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.007, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,

624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692H.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 12.5, 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.

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

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

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

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

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

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

16 3. Sections 1 to 11, inclusive, and ~~12.5~~ 12.5 to 30, inclusive, of this act
17 become effective on July 1, 2021.