

SENATE BILL NO. 347—SENATOR SCHEIBLE

MARCH 24, 2021

Referred to Committee on Education

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

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

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

AN ACT relating to higher education; creating the Task Force on Sexual Misconduct at Institutions of Higher Education; prescribing the membership, duties and compensation of the Task Force; requiring the Task Force to develop a climate survey on sexual misconduct; authorizing the Board of Regents of the University of Nevada to require the institutions within the Nevada System of Higher Education to administer the climate survey to students; authorizing the imposition of additional requirements for the grievance process at an institution within the System; authorizing the Board of Regents to require each institution within the System to adopt a policy on sexual misconduct, enter into a memorandum of understanding with certain organizations and designate a victim's advocate; prohibiting an institution within the System from imposing certain sanctions on certain students; providing for certain training and programming related to sexual misconduct; authorizing the Board of Regents to require a 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; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

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

Sections 3-11 of this bill define relevant terms. **Section 12** of this bill creates the Task Force on Sexual Misconduct at Institutions of Higher Education and prescribes the membership of the Task Force. **Section 13** of this bill prescribes the duties of the Task Force, which include, without limitation, developing a climate survey on sexual misconduct. **Section 14** of this bill authorizes the Board of Regents of the University of Nevada to require an institution within the Nevada System of Higher Education to conduct a climate survey on sexual misconduct, and **section 15** of this bill sets forth the duties of the Board of Regents regarding the climate survey.

Section 16 of this bill authorizes the Board of Regents to require an institution to meet certain requirements related to the grievance process 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 19 of this bill authorizes the Board of Regents to require an institution to enter into a memorandum of understanding with an organization that assists victims of sexual misconduct, and sets forth the provisions that may be included in such a memorandum of understanding.

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

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

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

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



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

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

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

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

Sec. 3. *“Domestic violence” means the commission of any act described in NRS 33.018.*

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

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

Sec. 6. *“Sexual assault” means a violation of NRS 200.366.*

Sec. 7. *“Sexual harassment” has the meaning ascribed to it in NRS 176A.280.*

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

Sec. 9. *“Stalking” means a violation of NRS 200.575.*

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. The neurobiological causes and impacts of trauma; and*
- 2. 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 16 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) The Attorney General, or his or her designee;
(d) 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 Title IX coordinator from a university;
(4) Two students who represent a group or organization that focuses on multiculturalism, diversity or advocacy at a state college or community college;

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

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

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

(8) One medical professional from the University of Nevada 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; and

(g) One representative of the Every Voice Coalition, or its successor organization, appointed by the Attorney General.

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. 13. 1. The Task Force on Sexual Misconduct at Institutions of Higher Education created pursuant to section 12 of this act shall develop a climate survey on sexual misconduct designed to be administered at institutions within the System. In developing the climate survey on sexual misconduct, the Task Force 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) 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) 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) Consult with institutions within the System on strategies for optimizing the effectiveness of the climate survey on sexual misconduct; and

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

2. The climate survey on sexual misconduct 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) Awareness of a student of the policies and procedures related to sexual misconduct at an institution;

(d) 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;

(e) 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;

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

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

(h) Perceptions a student has of campus safety;

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

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

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

(l) Any other questions as determined necessary by the Task Force.

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

4. The Task Force shall deliver the climate survey on sexual misconduct and any recommendations to the Board of Regents at least biennially, with the first survey delivered not later than March 31, 2022.



Sec. 14. 1. *The Board of Regents may require each institution within the System to conduct a climate survey on sexual misconduct at the institution biennially.*

2. *A climate survey on sexual misconduct conducted pursuant to subsection 1 must include the questions developed by the Task Force on Sexual Misconduct at Institutions of Higher Education pursuant to section 13 of this act. If an institution within the System includes additional questions on a climate survey on sexual misconduct conducted pursuant to subsection 1, the questions must not be unnecessarily traumatizing for a victim of an alleged incident of sexual misconduct.*

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

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

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

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

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

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

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

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

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

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

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

4. *If an institution within the System conducts a climate survey on sexual misconduct pursuant to subsection 1, the institution may provide the survey to a former student of the institution who took a leave of absence or withdrew from the institution because the student was a reporting party of an alleged incident of sexual misconduct.*

Sec. 15. *If the Board of Regents requires an institution within the System to conduct a climate survey on sexual*



misconduct pursuant to section 14 of this act, the Board of Regents shall:

1. Provide a copy of the questions developed by the Task Force on Sexual Misconduct at Institutions of Higher Education pursuant to section 13 of this act to each institution within a reasonable time after the Board of Regents receives the questions from the Task Force;

2. Establish a repository for the summaries of the climate survey on sexual misconduct submitted by each institution pursuant to section 14 of this act;

3. Post each summary of the responses to a climate survey on sexual misconduct submitted by an institution pursuant to section 14 of this act on the Internet website maintained by the Board of Regents in a manner that does not disclose the identity of a student;

4. Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on sexual misconduct; and

5. 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.

Sec. 16. The Board of Regents may require an institution within the System to:

1. Require employees who participate in the grievance process of the institution pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or a policy on sexual misconduct adopted pursuant to section 17 of this act to receive annual training on topics related to sexual misconduct which may include, without limitation, any training required pursuant to section 23 of this act;

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

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

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

Sec. 17. 1. The Board of Regents may require an institution within the System to adopt a policy on sexual misconduct.



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

(a) Shall:

(1) Incorporate a trauma-informed response;

(2) Coordinate with:

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

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

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

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

(1) Administrators at the institution;

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

(3) A victim's advocate designated pursuant to section 20 of this act;

(4) Staff affiliated with campus housing services;

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

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

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

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

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

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

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

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

5. If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to subsection 1, an institution



1 within the System shall make the policy on sexual misconduct
2 publicly available not later than the start of each academic year:

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

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

9 (c) On the Internet website maintained by the institution.

10 6. As used in this section, “student” includes, without
11 limitation, a former student of the institution who took a leave of
12 absence or withdrew from the institution due to being a reporting
13 party of an alleged incident of sexual misconduct.

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

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

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

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

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

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

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

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

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

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

42 (2) A victim’s advocate designated by the institution
43 pursuant to section 20 of this act;

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



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

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

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

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

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

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

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

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

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

(h) Supportive measures, including, without limitation:

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

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

(3) How to request supportive measures; and

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

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

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

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. 19. 1. The Board of Regents may require an institution within the System to enter into a memorandum of



1 *understanding with an organization that assists victims of sexual*
2 *misconduct. The memorandum of understanding may, without*
3 *limitation:*

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

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

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

13 *(b) Provide for office space on a campus of the institution for a*
14 *victim's advocate from the organization that assists victims of*
15 *sexual misconduct to confidentially meet with a student or*
16 *employee; and*

17 *(c) Require an organization that assists victims of sexual*
18 *misconduct to:*

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

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

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

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

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

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

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

36 *(5) The development and implementation of training and*
37 *prevention curriculum for employees of the institution.*

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

44 *3. As used in this section:*



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

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

Sec. 20. 1. The Board of Regents may require an institution within the System to designate a victim’s advocate. If the Board of Regents requires the designation of a victim’s advocate, an institution may:

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

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

(c) Designate existing categories of employees who may serve as a victim’s advocate.

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

(a) May have another role at the institution;

(b) Must not be a student, a Title IX coordinator or any other official of the institution who is authorized to initiate a disciplinary proceeding on behalf of the institution; and

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

3. If an institution within the System designates a victim’s advocate pursuant to subsection 1, the institution shall provide training to the victim’s advocate on:

(a) The awareness and prevention of sexual misconduct;

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

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

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

4. An institution within the System that designates a victim’s advocate pursuant to subsection 1 shall ensure the availability of a victim’s advocate to students within a reasonable distance from the institution.

Sec. 21. 1. If a victim’s advocate is designated pursuant to section 20 of this act, the victim’s 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 effects of each option;

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

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

(4) Available supportive measures;

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

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

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

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

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

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

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

(e) Provide confidential services to students and employees;

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

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

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

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

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

3. Notice to a victim's advocate of an alleged incident of sexual misconduct or the performance of services by a victim's



1 *advocate pursuant to this section must not be considered actual or*
2 *constructive notice of an alleged incident of sexual misconduct to*
3 *the institution within the System which designated the victim's*
4 *advocate pursuant to section 20 of this act.*

5 *4. If a conflict of interest arises between the institution within*
6 *the System which designated a victim's advocate and the victim's*
7 *advocate in advocating for the provision of supportive measures by*
8 *the institution to a reporting party, the institution shall not*
9 *discipline, penalize or otherwise retaliate against the victim's*
10 *advocate for advocating for the reporting party.*

11 **Sec. 22.** *The Board of Regents may require an institution*
12 *within the System not to subject a reporting party or a witness who*
13 *reports an alleged incident of sexual misconduct to a disciplinary*
14 *proceeding or sanction for a violation of a policy on student*
15 *conduct related to drug or alcohol use, trespassing or*
16 *unauthorized entry of school facilities or other violation of a*
17 *policy of an institution that occurred during or related to an*
18 *alleged incident of sexual misconduct unless the institution*
19 *determines that the:*

20 *1. Report of an alleged incident of sexual misconduct was not*
21 *made in good faith; or*

22 *2. The violation of a policy on student conduct was egregious,*
23 *including, without limitation, a violation that poses a risk to the*
24 *health or safety of another person.*

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

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

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

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

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

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

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

44 *(g) Training in cultural competency regarding how sexual*
45 *misconduct may impact students differently depending on, without*



1 *limitation, the national origin, sex, ethnicity, religion, gender*
2 *identity or expression or sexual orientation of a student;*

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

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

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

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

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

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

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

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

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

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

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

40 *(f) If a victim's advocate is designated pursuant to section 20*
41 *of this act, the name, contact information and role of the victim's*
42 *advocate;*

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

44 *(h) Strategies for reduction of the risk of sexual misconduct;*
45 *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 may:

(a) Coordinate with the Title IX coordinator of the institution, a law enforcement agency and, if the institution entered into a memorandum of understanding with an organization that assists victims of sexual misconduct pursuant to section 19 of this act, that organization; and

(b) Require students or employees to attend the programming on the awareness and prevention of sexual misconduct.

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

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

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

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

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

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

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.



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.

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

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

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

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

