

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 designate 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 adopt regulations; making certain information relating to incidents of sexual misconduct confidential; and providing other matters properly relating thereto.



* S B 3 4 7 R 2 *

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 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 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 an advocate and provide training to the advocate. **Section 21** of this bill sets forth the duties of the 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 prohibit an institution within the System from sanctioning a complainant, reporting party or witness for violating a policy of student conduct that occurred during or related to 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 determine the responsibility of a respondent for an alleged incident of sexual misconduct based on a preponderance of the evidence. **Section 24.7** of this bill sets forth the requirements for conducting an investigation.



Section 24.5 of this bill authorizes the Board of Regents to require an institution within the System to accept a request from a complainant who is at least 18 years of age to keep the identity of the complainant confidential unless state or federal law requires disclosure or further action. **Section 24.9** of this bill authorizes an institution to issue a no-contact directive in certain circumstances.

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

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

Section 27 of this bill authorizes the Board of Regents to adopt regulations.

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

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 2.3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

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

Sec. 2.5. *“Dating violence” has the meaning ascribed to it in 34 U.S.C. § 12291(a).*

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

Sec. 4. *“Reporting party” means a person who reports an alleged incident of sexual misconduct to the institution.*

Sec. 5. *“Respondent” means a person who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.*

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

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

10 *2. Unwelcome sexual advances, requests for sexual favors*
11 *and conduct of a sexual nature or evincing gender bias:*

12 (a) *That, in the educational environment, is made a term or*
13 *condition of a student's academic status or, based on an objective*
14 *standard, is sufficiently severe, persistent or pervasive that it*
15 *interferes with, limits or effectively denies a student the ability to*
16 *participate in or benefit from the services, activities or*
17 *opportunities offered by an institution within the System.*

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

27 *3. Sexual assault, dating violence, domestic violence or*
28 *stalking.*

29 *Sec. 8. "Sexual misconduct" means dating violence,*
30 *domestic violence, gender-based violence, gender-based*
31 *harassment, violence based on sexual orientation or gender*
32 *identity or expression, sexual assault, sexual harassment, stalking*
33 *or indecent exposure.*

34 *Sec. 9. "Stalking" has the meaning ascribed to it in 34*
35 *C.F.R. § 106.30.*

36 *Sec. 9.5. "Student" includes, without limitation, a former*
37 *student of an institution within the System who took a leave of*
38 *absence or withdrew from the institution due to being a*
39 *complainant or respondent.*

40 *Sec. 10. "Supportive measures" has the meaning ascribed to*
41 *it in 34 C.F.R. § 106.30.*

42 *Sec. 11. "Trauma-informed response" means a response*
43 *involving an understanding of the complexities of sexual*
44 *misconduct, including, without limitation:*

45 *1. Perpetrator methodology;*



2. *Conducting an effective investigation;*
3. *The neurobiological causes and impacts of trauma; and*
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 12 members as follows:*

- (a) *The Chancellor of the System, or his or her designee;*
- (b) *The Chief General Counsel of the System, or his or her designee; and*

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

(6) One student, appointed in consultation with a student government association, who 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 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) 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;*
 - (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;*
 - (f) *Consult with institutions within the System on strategies for optimizing the effectiveness of the climate survey on sexual misconduct; and*
 - (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 complainant or 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;*

(n) *Whether a student experienced any negative health impacts as a result of an 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.*

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

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

2. *A climate survey on sexual misconduct conducted pursuant to subsection 1 must include the questions developed by researchers employed at an institution within the System pursuant*



1 to section 13 of this act. If an institution within the System
2 includes additional questions on a climate survey on sexual
3 misconduct pursuant to subsection 1, the questions must not be
4 unnecessarily traumatizing for a victim of an alleged incident of
5 sexual misconduct.

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

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

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

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

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

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

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

22 (e) Post on the Internet website maintained by the institution
23 in a manner that does not disclose personally identifiable
24 information of any person, the summary of the responses to the
25 climate survey on sexual misconduct.

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

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

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

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

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

43 (a) Provide a copy of the questions developed by the
44 researchers employed at an institution within the System pursuant
45 to section 13 of this act to each institution within a reasonable



1 *time after the Board of Regents receives the questions from the*
2 *researchers;*

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

6 *(c) Post each summary of the responses to a climate survey on*
7 *sexual misconduct submitted by an institution pursuant to section*
8 *14 of this act on the Internet website maintained by the Board of*
9 *Regents in a manner that does not disclose personally identifiable*
10 *information of any person;*

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

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

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

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

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

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

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

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

41 **Sec. 17.** *1. The Board of Regents may require an*
42 *institution within the System to adopt a policy on sexual*
43 *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 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) 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

(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



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

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

6 **Sec. 18.** *A policy on sexual misconduct adopted pursuant to*
7 *section 17 of this act must include, without limitation, information*
8 *on:*

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

13 *2. Supportive measures, including, without limitation:*

14 *(a) Changing academic, living, campus transportation or work*
15 *arrangements;*

16 *(b) Taking a leave of absence from the institution in response*
17 *to an alleged incident of sexual misconduct;*

18 *(c) How to request supportive measures; and*

19 *(d) The process to have any supportive measures reviewed by*
20 *the institution;*

21 *3. Appropriate local, state and federal law enforcement*
22 *agencies, including, without limitation, the contact information*
23 *for a law enforcement agency; and*

24 *4. The grievance process of the institution for investigating*
25 *and resolving a report of an alleged incident of sexual misconduct.*

26 **Sec. 18.3.** (Deleted by amendment.)

27 **Sec. 18.5.** (Deleted by amendment.)

28 **Sec. 19.** *1. The Board of Regents may require an*
29 *institution within the System to enter into a memorandum of*
30 *understanding with an organization that assists persons involved*
31 *in sexual misconduct. The memorandum of understanding may,*
32 *without limitation:*

33 *(a) Allow for cooperation and training between the institution*
34 *and the organization that assists persons involved in sexual*
35 *misconduct to establish an understanding of the:*

36 *(1) Responsibilities that the institution and organization*
37 *that assists persons involved in sexual misconduct have in*
38 *responding to a report or disclosure of an alleged incident of*
39 *sexual misconduct; and*

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

42 *(b) Require an organization that assists persons involved in*
43 *sexual misconduct to:*

44 *(1) Assist with developing policies, programming or*
45 *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;

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

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

(c) Include a fee structure for any services provided by the organization that assists persons involved in sexual misconduct.

2. As used in this section, "forensic medical examination" has the meaning ascribed to it in NRS 217.300.

Sec. 20. 1. The Board of Regents may require an institution within the System to designate an advocate. If the Board of Regents requires the designation of 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 persons involved in sexual misconduct to designate 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 an advocate.

2. An advocate designated pursuant to subsection 1:

(a) Must not be 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;

(b) Must be designated based on the training or experience of the person to effectively provide services related to sexual misconduct; and

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

3. If an institution within the System designates an advocate pursuant to subsection 1, the 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 an advocate pursuant to subsection 1 shall provide for the availability of 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 an advocate in person.

Sec. 21. 1. If an advocate is designated pursuant to section 20 of this act, the advocate shall:

(a) 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 local 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;

(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 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;

(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;

(c) 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;

(d) Provide confidential services to students and employees;

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

(f) 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;

(g) Support a complainant or respondent in obtaining supportive measures to ensure the complainant or respondent has continued access to education; and



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

2. If an advocate is designated pursuant to section 20 of this act, the 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 complainant.

3. Notice to an advocate of an alleged incident of sexual misconduct or the performance of services by an advocate pursuant to this section shall not constitute actual or constructive notice of an alleged incident of sexual misconduct to the institution within the System which designated the advocate pursuant to section 20 of this act.

4. If a conflict of interest arises between the institution within the System which designated an advocate and the advocate in advocating for the provision of supportive measures by the institution to a complainant or a respondent, the institution shall not discipline, penalize or otherwise retaliate against the advocate for advocating for the complainant or the respondent.

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

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

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

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

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



1 *process of the institution to appropriate employees, as determined*
2 *by the Board of Regents.*

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

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

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

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

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

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

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

32 (f) *If an advocate is designated pursuant to section 20 of this*
33 *act, the name, contact information and role of the advocate;*

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

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

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

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

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

44 (b) *May coordinate with a law enforcement agency and, if the*
45 *institution entered into a memorandum of understanding with an*



1 *organization that assists persons involved in sexual misconduct*
2 *pursuant to section 19 of this act, that organization; and*

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

6 *3. If an institution provides programming on awareness and*
7 *prevention of sexual misconduct pursuant to subsection 1, the*
8 *programming may be culturally responsive and address the unique*
9 *experiences and challenges faced by students based on the race,*
10 *ethnicity, national origin, economic status, disability, gender*
11 *identity or expression, immigration status and sexual orientation*
12 *of a student.*

13 **Sec. 24.3.** *The Board of Regents may require an institution*
14 *within the System that receives a report of an alleged incident of*
15 *sexual misconduct that involves a student or employee of the*
16 *institution to determine the responsibility of a respondent, if any,*
17 *based on a preponderance of the evidence.*

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

30 *(a) There are any previous or existing reports of an incident of*
31 *sexual misconduct against the respondent, including, without*
32 *limitation, records of complaints or the arrest of the respondent;*

33 *(b) The respondent allegedly used a weapon;*

34 *(c) The respondent threatened violence, discrimination or*
35 *harassment against the complainant or other persons;*

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

38 *(e) The circumstances surrounding the alleged incident of*
39 *sexual misconduct indicate that the incident was premeditated*
40 *and, if so, whether the respondent or another person allegedly*
41 *premeditated the incident;*

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



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

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

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

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

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

(c) Prevent the recurrence of any misconduct.

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

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

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

(c) Ensuring a complainant is informed of and has access 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 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 complainant of the determination before disclosing the identity of the complainant or initiating an investigation;

(b) Make available supportive measures for the complainant; and

(c) If requested by the complainant, inform the respondent that the complainant asked the institution not to take investigative or disciplinary action against the 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 complainant and the 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 complainant and the respondent that any evidence available to the party but not disclosed during the investigation might not be considered at a subsequent hearing; and

(c) Ensure that questions and evidence of the sexual history or sexual predisposition of a complainant are not considered relevant unless the:

(1) Questions or evidence are directly relevant to prove that the conduct alleged to have been committed by the respondent was inflicted by another person; or

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

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

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

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

Sec. 24.8. (Deleted by amendment.)

Sec. 24.9. 1. An institution within the System may issue a no-contact directive prohibiting the complainant and the respondent from contacting each other. An institution may issue a no-contact directive if the directive is necessary to, without limitation:

(a) Protect the safety or well-being of either the complainant or the 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, has been made may be unilateral and applied only against the respondent.

3. If an institution issues a mutual no-contact directive, the institution shall provide the complainant and the respondent with an explanation of the terms of the directive, including, without



1 *limitation, that a violation of the directive may subject the party to*
2 *disciplinary action.*

3 **Sec. 24.95. 1.** *A student who experiences sexual*
4 *misconduct may request a waiver from any requirement to*
5 *maintain a certain grade point average, credit enrollment, or other*
6 *academic or disciplinary record requirement relating to academic*
7 *success for any scholarship, grant or other academic program*
8 *offered by an institution within the System. A waiver may be*
9 *granted by a provost, dean, academic advisor or other appropriate*
10 *staff or faculty member of the institution.*

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

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

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

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

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

24 *(d) The number of persons sanctioned by the institution as a*
25 *result of a finding of responsibility for an incident of sexual*
26 *misconduct; and*

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

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

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

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



5. Any data or reports that 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. (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) ~~[Fulfill]~~ 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



1 and at least a 2.75 overall grade point average, on a 4.0 grading
2 scale.

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

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

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

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

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

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

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

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

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

27 396.930 1. Except as otherwise provided in subsections 2 and
28 4, a student may apply to the Board of Regents for a Millennium
29 Scholarship if the student:

30 (a) Except as otherwise provided in paragraph (e) of subsection
31 2, has been a resident of this State for at least 2 years before the
32 student applies for the Millennium Scholarship;

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

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

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

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

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

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



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


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

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

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

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

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

(f) Except as otherwise provided in NRS 396.936  and section 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,
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209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
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218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
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239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
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268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
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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,
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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,
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432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,



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2 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
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4 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
5 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
6 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
7 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
8 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
9 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
10 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
11 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
12 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
13 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
14 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
15 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
16 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
17 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
18 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
19 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
20 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
21 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
22 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
23 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
24 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
25 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
26 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
27 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
28 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
29 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
30 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
31 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
32 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
33 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
34 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
35 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
36 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
37 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600,
38 *sections 12.5, 14, 15 and 25 of this act*, sections 35, 38 and 41 of
39 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
40 Statutes of Nevada 2013 and unless otherwise declared by law to be
41 confidential, all public books and public records of a governmental
42 entity must be open at all times during office hours to inspection by
43 any person, and may be fully copied or an abstract or memorandum
44 may be prepared from those public books and public records. Any
45 such copies, abstracts or memoranda may be used to supply the



1 general public with copies, abstracts or memoranda of the records or
2 may be used in any other way to the advantage of the governmental
3 entity or of the general public. This section does not supersede or in
4 any manner affect the federal laws governing copyrights or enlarge,
5 diminish or affect in any other manner the rights of a person in any
6 written book or record which is copyrighted pursuant to federal law.

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

9 3. A governmental entity that has legal custody or control of a
10 public book or record shall not deny a request made pursuant to
11 subsection 1 to inspect or copy or receive a copy of a public book or
12 record on the basis that the requested public book or record contains
13 information that is confidential if the governmental entity can
14 redact, delete, conceal or separate, including, without limitation,
15 electronically, the confidential information from the information
16 included in the public book or record that is not otherwise
17 confidential.

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

23 (a) The public record:

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

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

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

28 (1) Give access to proprietary software; or

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

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

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

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

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



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

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

7 3. Sections 1 to 11, inclusive, and 12.5 to 30, inclusive, of this
8 act become effective on July 1, 2021.

