

Amendment No. 371

Assembly Amendment to Assembly Bill No. 245	(BDR 34-818)
Proposed by: Assembly Committee on Education	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 245 (§§ 1.2, 3.3, 3.6).

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

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

ASSEMBLY BILL NO. 245—ASSEMBLYMEN TORRES, MARZOLA, GONZÁLEZ, KASAMA; BILBRAY-AXELROD, BROWN-MAY, D’SILVA, DURAN, HAFEN, MCARTHUR, C.H. MILLER, MOSCA, NEWBY, NGUYEN, PETERS, SUMMERS-ARMSTRONG, TAYLOR, , THOMAS AND WATTS

MARCH 3, 2023

JOINT SPONSOR: SENATOR KRASNER

Referred to Committee on Education

SUMMARY—Revises provisions governing education. (BDR 34-818)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE ~~[(§ 1)]~~ (§§ 1.2, 3.3, 3.6)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 education; requiring the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils to enter into a memorandum of understanding with an organization that assists victims of ~~sexual misconduct; revising provisions governing the SafeVoice Program;~~ power-based violence and requiring certain pupils be referred to such an organization; creating the Committee on Responses to Power-Based Violence in Schools; requiring school districts and public schools to make available information regarding the statewide information and referral system maintained by the Department of Health and Human Services; replacing the term “sexual misconduct” with “power-based violence”; creating the Commission on Higher Education Campus Safety; revising provisions governing certain programming related to ~~sexual misconduct~~ power-based violence which institutions in the Nevada System of Higher Education may be required to provide to students and employees; abolishing the Task Force on Sexual Misconduct at Institutions of Higher Education; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law authorizes the Board of Regents of the University of Nevada to require an
- 2 institution within the Nevada System of Higher Education to enter into a memorandum of

understanding with an organization that assists persons involved in sexual misconduct. (NRS 396.147) ~~[Section 4]~~ Sections 1.2, 3.3 and 3.6 of this bill similarly requires the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils to enter into a memorandum of understanding with an organization that assists victims of ~~[sexual misconduct]~~ power-based violence and sets forth the provisions that may be included in such a memorandum of understanding. Sections 1.2, 3.3 and 3.6 also require a teacher or administrator who is informed by a pupil that the pupil has been a victim of power-based violence to refer the pupil to the organization that assists victims of power-based violence. Section 1.4 of this bill establishes the Committee on Responses to Power-Based Violence in Schools and requires the Committee to review, study and make recommendations regarding power-based violence in schools.

Existing law requires the Department of Health and Human Services to establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State. (NRS 232.359) Section 1.6 of this bill requires the board of trustees of each school district to provide information about this system on its Internet website and requires each public school, to the extent money is available, to post information regarding the system in each restroom of the public school that is available for use by a pupil. Section 2 of this bill makes a conforming change to indicate the proper placement of ~~[section 4]~~ sections 1.2, 1.4 and 1.6 in the Nevada Revised Statutes.

Existing law ~~[requires the establishment of the SafeVoice Program within the Office for a Safe and Respectful Learning Environment within the Department of Education. That Program allows a person to make an anonymous report to a support center regarding dangerous, violent or unlawful activity that is conducted, or threatened to be conducted, on property of a public school or in certain other circumstances related to public schools. (NRS 388.1455) Section 3 of this bill requires the SafeVoice Program to include methods and procedures to ensure that a pupil who is a victim of sexual misconduct may obtain a referral to an organization that assists victims of sexual misconduct. Section 3 authorizes the Director of the Office for a Safe and Respectful Learning Environment to enter into agreements on behalf of the SafeVoice Program with state and local agencies and community-based organizations to facilitate the referral of pupils and other persons for certain services and authorizes the sharing of information and provision of services between agencies and organizations that are party to such an agreement.]~~ establishes provisions relating to the handling of sexual misconduct at institutions within the System. (NRS 396.125-396.1595) Existing law creates the Task Force on Sexual Misconduct at Institutions of Higher Education and prescribes the duties of the Task Force. Section 9 ~~10~~ of this bill abolishes the Task Force. Section 4.3 of this bill defines "power-based violence" and sections 3.8 and 5.2-8.6 of this bill replace the term "sexual misconduct" with "power-based violence." Section 4 ~~4~~ 4.6 of this bill creates the Commission on Higher Education Campus Safety and prescribes the membership of the Commission. Sections 6 and 7 of this bill transfer the duties of the Task Force to the Commission. Section 5 of this bill makes a conforming change to indicate the proper placement of ~~[section 4]~~ sections 4.3 and 4.6 in the Nevada Revised Statutes.

Existing law authorizes the Board of Regents to require an institution to provide programming on awareness and prevention of sexual misconduct to all students and employees and establishes requirements for the programming if required by the Board of Regents. (NRS 396.153) Section 8 of this bill instead authorizes the Board of Regents to require an institution to provide programming on awareness and prevention of power-based violence and provides that, if an institution provides such programming, the institution must require each student to attend the programming at least once in his or her first two regular academic semesters after enrollment and an employee to attend such programming at least once every 3 years. Section 8 authorizes the programming on awareness and prevention of ~~[sexual misconduct]~~ power-based violence that is provided to students to be incorporated into a course for which a student may receive academic credit and authorizes an institution to condition the award of a degree or certificate upon the completion of such a course. Section 8 requires an institution, if it provides the programming on awareness and prevention of ~~[sexual misconduct to employees]~~ power-based violence to: (1) require the programming for students to be provided and attended in person, except under certain limited circumstances;

(2) require the syllabus for the programming to include resources on how to obtain certain information; and (3) make ~~the copy of the syllabus and any instructional materials available for viewing at all times by interested employees.~~ certain information relating to power-based violence available on the Internet website of the institution.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~

~~the provisions set forth as sections 1.2, 1.4 and 1.6 of this act.~~

Sec. 1.2. 1. *The board of trustees of each school district shall enter into a memorandum of understanding with a community-based organization that assists victims of ~~sexual misconduct,~~ power-based violence. The memorandum of understanding may, without limitation:*

(a) Allow for cooperation and training between the school district and the community-based organization that assists victims of ~~sexual misconduct,~~ power-based violence to establish an understanding of the:

(1) Responsibilities that the school district and the community-based organization that assists victims of ~~sexual misconduct,~~ power-based violence have in responding to a report or disclosure of an alleged incident of ~~sexual misconduct,~~ power-based violence; and

(2) Procedures of the school district for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of ~~sexual misconduct,~~ power-based violence to:

(1) Assist with developing policies, programming or training for the school district regarding ~~sexual misconduct,~~ power-based violence;

(2) Provide an alternative for a pupil or employee of the school district to receive free counseling, advocacy or crisis services related to an alleged incident of ~~sexual misconduct,~~ power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at a public school in the school district; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the school district.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of ~~sexual misconduct,~~ power-based violence.

2. *If a teacher or administrator is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.*

3. *As used in this section:*

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

(b) ~~"Sexual misconduct"~~ "Power-based violence" has the meaning ascribed to it in ~~NRS 396.134,~~ section 4.3 of this act.

Sec. 1.4. 1. *The Committee on Responses to Power-Based Violence in Schools is hereby created within the Department.*

1 2. The Committee consists of the following members, appointed by the chair
2 of the committee on statewide school safety created pursuant to NRS 388.1324:

3 (a) Two members who are employees of a school district in this State;

4 (b) Two members who are representatives of a nonprofit organization that
5 assists victims of power-based violence;

6 (c) Two members who are:

7 (1) A pupil enrolled in a school in this State; or

8 (2) The parent or legal guardian of a pupil enrolled in a school in this
9 State;

10 (d) One member who is the parent of a pupil who was a victim of power-
11 based violence;

12 (e) One member who is a pupil who was a victim of power-based violence;

13 (f) Two members who are Title IX coordinators for public schools in this
14 State;

15 (g) One member who is an employee of the Office for a Safe and Respectful
16 Learning Environment;

17 (h) One member who is a school resource officer assigned to a school in this
18 State;

19 (i) Two members who are employed as a school psychologist, a provider of
20 mental health other than a psychologist who provides services to pupils at a
21 school in this State or a school social worker; and

22 (j) One member who is a licensed teacher in this State.

23 3. Any vacancy occurring in the membership of the Committee must be
24 filled in the same manner as the original appointment not later than 30 days after
25 the vacancy occurs.

26 4. The Committee shall elect a Chair and Vice Chair from among its
27 members at the first meeting of the Committee and at the first meeting of the
28 calendar year each year thereafter. The Chair and Vice Chair serve a term of 1
29 year.

30 5. Each member of the Committee serves a term of 2 years and may be
31 reappointed.

32 6. A majority of the members of the Committee constitutes a quorum for the
33 transaction of business, and a majority of a quorum present at any meeting is
34 sufficient for any official action taken by the Commission.

35 7. The Committee shall review, study and make recommendations regarding
36 power-based violence in schools. In performing its duties, the Committee shall:

37 (a) Consider the experiences of pupils relating to power-based violence and
38 pupil safety;

39 (b) Examine current procedures and protocols for responding to power-
40 based violence that are used in public schools in this State;

41 (c) Identify emerging trends and best practices for responding to and
42 preventing power-based violence;

43 (d) Identify possible gaps in the services that are available for victims of
44 power-based violence; and

45 (e) Make recommendations for procedures that will focus on preventing and
46 intervening in disclosures of power-based violence.

47 8. The Committee shall, not later than August 1 of each odd-numbered
48 year, submit to the Joint Interim Standing Committee on Education any
49 recommendations for legislation relating to power-based violence in schools.

50 9. The members of the Committee serve without compensation but are
51 entitled to receive the per diem allowance and travel expenses provided for state
52 officers and employees generally.

10. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

11. As used in this section, "power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 1.6. 1. The board of trustees of each school district shall post on its Internet website and include in any written informational materials related to pupil safety prepared by the school district information regarding the statewide information and referral system concerning health, welfare, human and social services created pursuant to NRS 232.359, including the number which may be used to access the system.

2. Each public school shall, to the extent money is available, post information regarding the statewide information and referral system concerning health, welfare, human and social services created pursuant to NRS 232.359, including the number which may be used to access the system, in each restroom of the public school which is available for use by pupils.

Sec. 2. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, ~~and [section 1]~~ sections 1.2, 1.4 and 1.6 of this act, unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. ~~[NRS 388.1455 is hereby amended to read as follows:~~

~~388.1455 1. The Director shall establish the SafeVoice Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to subsection 2 and NRS 388.1458, must not be disclosed to any person.~~

~~2. The SafeVoice Program must include, without limitation, methods and procedures to ensure that:~~

~~(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies, the Department and other appropriate state agencies, school administrators and other school employees, including, without limitation, the teams appointed pursuant to NRS 388.1455;~~

~~(b) The identity of a person who reports information to the Program may remain anonymous, unless the policies established and regulations adopted pursuant to subsection 6 require the identity of such a person to be disclosed; [and]~~

~~(c) The appropriate public safety agencies may access personally identifiable information concerning a pupil;~~

~~(1) To take the appropriate action in response to an activity or threat reported pursuant to this section;~~

~~(2) Twenty four hours a day; and~~

~~(3) Subject to the confidentiality required pursuant to this section [.] ; and~~

~~1 — (d) A pupil who is a victim of sexual misconduct may obtain a referral to a~~
~~2 community-based organization that assists victims of sexual misconduct.~~

~~3 — 2. On behalf of the SafeVoice Program, the Director or his or her designee~~
~~4 shall establish and operate a support center that meets the requirements of NRS~~
~~5 388.14557, which includes, without limitation, a hotline, Internet website, mobile~~
~~6 telephone application and text messaging application or enter into an agreement~~
~~7 with an organization that the Director determines is appropriately qualified and~~
~~8 experienced, pursuant to which the organization will establish and operate such a~~
~~9 support center, which includes, without limitation, a hotline, Internet website,~~
~~10 mobile telephone application and text messaging application. The support center~~
~~11 shall receive initial reports made to the Program through the hotline, Internet~~
~~12 website, mobile telephone application and text messaging application and forward~~
~~13 the information contained in the reports in the manner required by subsection 2.~~

~~14 — 4. The Director shall provide training regarding:~~

~~15 — (a) The Program to employees and volunteers of each public safety agency,~~
~~16 public safety answering point, board of trustees of a school district, governing body~~
~~17 of a charter school and any other entity whose employees and volunteers the~~
~~18 Director determines should receive training regarding the Program.~~

~~19 — (b) Properly responding to a report received from the support center, including,~~
~~20 without limitation, the manner in which to respond to reports of different types of~~
~~21 dangerous, violent and unlawful activity and threats of such activity, to each~~
~~22 member of a team appointed pursuant to NRS 388.14553.~~

~~23 — (c) The procedure for making a report to the support center using the hotline,~~
~~24 Internet website, mobile telephone application and text messaging application and~~
~~25 collaborating to prevent dangerous, violent and unlawful activity directed at~~
~~26 teachers and other members of the staff of a school, pupils, family members of~~
~~27 pupils and other persons.~~

~~28 — 5. The Director shall:~~

~~29 — (a) Post information concerning the SafeVoice Program on an Internet website~~
~~30 maintained by the Director;~~

~~31 — (b) Provide to each public school educational materials regarding the~~
~~32 SafeVoice Program, including, without limitation, information about the telephone~~
~~33 number, address of the Internet website, mobile telephone application, text~~
~~34 messaging application and any other methods by which a report may be made; and~~

~~35 — (c) On or before July 1 of each year, submit to the Director of the Legislative~~
~~36 Counsel Bureau for transmittal to the Joint Interim Standing Committee on~~
~~37 Education a report containing a summary of the information reported to the~~
~~38 Director pursuant to NRS 388.14557 during the immediately preceding 12 months~~
~~39 and any other information that the Director determines would assist the Committee~~
~~40 to evaluate the SafeVoice Program.~~

~~41 — 6. The Department shall establish policies and adopt regulations pursuant to~~
~~42 subsection 2 relating to the disclosure of the identity of a person who reports~~
~~43 information to the Program. The regulations must include, without limitation, the~~
~~44 disclosure of the identity of a person who reported information to the Program.~~

~~45 — (a) To ensure the safety and well being of the person who reported information~~
~~46 to the Program;~~

~~47 — (b) To comply with the provisions of NRS 388.1351; or~~

~~48 — (c) If the person knowingly reported false information to the Program.~~

~~49 — 7. On behalf of the SafeVoice Program, the Director may enter into one or~~
~~50 more agreements with state and local agencies and community-based~~
~~51 organizations to facilitate the referral of pupils and other persons for wrap~~
~~52 around services or services related to the prevention of domestic violence or~~
~~53 assistance for victims of domestic violence. An agreement entered into pursuant~~

~~to this subsection may provide for the sharing of information and provision of services between agencies and community-based organizations with which the Director has entered into an agreement pursuant to this subsection to the extent not prohibited by other law.~~

~~8. As used in this section:~~

~~(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.~~

~~(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.~~

~~(c) "Sexual misconduct" has the meaning ascribed to it in NRS 296.134.~~

~~(d) "Wrap around services" means community-based intervention services provided to children and youth with intensive mental or behavioral health needs and their families, including, without limitation, mobile crisis response and stabilization. As used in this paragraph, "youth" means a person under 25 years of age. (Deleted by amendment.)~~

Sec. 3.3. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each charter school shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the charter school and the community-based organization that assists victims of power-based violence to establish an understanding of the:

(1) Responsibilities that the charter school and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and

(2) Procedures of the charter school for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of power-based violence to:

(1) Assist with developing policies, programming or training for the charter school regarding power-based violence;

(2) Provide an alternative for a pupil or employee of the charter school to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at the charter school; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the charter school.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.

2. If a teacher or administrator of the charter school is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

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

(b) "Power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 3.6. Chapter 388C of NRS is hereby amended by adding thereto a new section to read as follows:

1 1. The governing body of each university school for profoundly gifted
2 pupils shall enter into a memorandum of understanding with a community-based
3 organization that assists victims of power-based violence. The memorandum of
4 understanding may, without limitation:

5 (a) Allow for cooperation and training between the university school for
6 profoundly gifted pupils and the community-based organization that assists
7 victims of power-based violence to establish an understanding of the:

8 (1) Responsibilities that the university school for profoundly gifted pupils
9 and the community-based organization that assists victims of power-based
10 violence have in responding to a report or disclosure of an alleged incident of
11 power-based violence; and

12 (2) Procedures of the university school for profoundly gifted pupils for
13 providing support and services to pupils and employees.

14 (b) Require a community-based organization that assists victims of power-
15 based violence to:

16 (1) Assist with developing policies, programming or training for the
17 university school for profoundly gifted pupils regarding power-based violence;

18 (2) Provide an alternative for a pupil or employee of the university school
19 for profoundly gifted pupils to receive free counseling, advocacy or crisis services
20 related to an alleged incident of power-based violence, including, without
21 limitation, access to a health care provider who specializes in forensic medical
22 examinations;

23 (3) Assist with the development and implementation of education and
24 prevention programs for pupils enrolled at the university school for profoundly
25 gifted pupils; and

26 (4) Assist with the development and implementation of training and
27 prevention curriculum for employees of the university school for profoundly
28 gifted pupils.

29 (c) Include a fee structure for any services provided by the community-based
30 organization that assists victims of power-based violence.

31 2. If a teacher or administrator of the university school for profoundly
32 gifted pupils is informed by a pupil that the pupil has been a victim of power-
33 based violence, the teacher or administrator shall refer the pupil to the
34 community-based organization that assists victims of power-based violence.

35 3. As used in this section:

36 (a) "Forensic medical examination" has the meaning ascribed to it in NRS
37 217.300.

38 (b) "Power-based violence" has the meaning ascribed to it in section 4.3 of
39 this act.

40 Sec. 3.8. NRS 394.16095 is hereby amended to read as follows:

41 394.16095 1. The governing body of a private school shall not enter into an
42 agreement that:

43 (a) Has the effect of suppressing information relating to an investigation
44 concerning a report of suspected abuse or ~~sexual misconduct~~ power-based
45 violence by a current or former employee.

46 (b) Affects the ability of the private school to report suspected abuse or ~~sexual~~
47 ~~misconduct~~ power-based violence to the appropriate authorities.

48 (c) Requires the private school to expunge information about allegations or
49 findings of suspected abuse or ~~sexual misconduct~~ power-based violence from any
50 documents maintained by the private school unless, after investigating the alleged
51 violation, the private school determines that the allegations were false, unfounded,
52 unsubstantiated or inconclusive.

2. If an agreement requires the removal of a document from the personnel file of an employee, the private school must maintain the document with the agreement.

3. Any provisions in an agreement that violate the provisions of this section are void.

4. As used in this section, "power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto ~~the new section to read as follows:~~

~~the provisions set forth as sections 4.3 and 4.6 of this act.~~

Sec. 4.3. "Power-based violence" means any form of interpersonal violence intended to control, intimidate or harm another person through the assertion of power. The term includes, without limitation, dating violence, domestic violence, gender-based violence, gender-based harassment, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, stalking or indecent exposure.

Sec. 4.6. 1. There is hereby created the Commission on Higher Education Campus Safety consisting of 7 members as follows:

(a) The Chancellor of the System, or his or her designee;

(b) ~~One member~~ Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(c) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(d) Four members who represent a community-based organization that assists victims of power-based violence, serve as a victim's advocate, as defined in NRS 49.2545, at an institution within the System or who were a victim of power-based violence at an institution within the System;

(1) One of whom is appointed by the Majority Leader of the Senate;

~~(e)~~ (2) One ~~member~~ of whom is appointed by the Minority Leader of the Senate;

~~(d)~~ (3) One ~~member~~ of whom is appointed by the Speaker of the Assembly;

~~(e)~~ and

(4) One ~~member~~ of whom is appointed by the Minority Leader of the Assembly;

~~(f) One member~~ (e) Two members who ~~is a student~~ are students enrolled at an institution within the System, appointed by the Nevada Student Alliance or its successor organization; ~~and~~

(f) One member who is a faculty member of the System, appointed by the Chancellor after consultation with the Nevada Faculty Alliance or its successor organization;

(g) One member who is a ~~representative of a community based organization that assists victims of sexual misconduct,~~ member of the Police Department for the System, appointed by the Chancellor ~~;~~ and

(h) Two members appointed by the Governor.

2. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

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

1 4. *The Commission shall meet at least once each calendar quarter and at*
2 *other times at the call of the Chair or a majority of its members.*

3 5. *A majority of the members of the Commission constitutes a quorum, and*
4 *a quorum may exercise all the power and authority conferred on the*
5 *Commission.*

6 6. *Members of the Commission serve without compensation, except that for*
7 *each day or portion of a day during which a member of the Commission attends a*
8 *meeting of the Commission or is otherwise engaged in the business of the*
9 *Commission, and within the limits of available money, the member is entitled to*
10 *receive the per diem allowance and travel expenses provided for state officers and*
11 *employees generally.*

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

21 8. *The Commission shall examine and make recommendations regarding*
22 *best practices relating to the prevention of power-based violence. In performing*
23 *its duties the Commission shall:*

24 *(a) Consider student experiences that relate to power-based violence and*
25 *student safety;*

26 *(b) Examine current procedures and protocols for responding to violence,*
27 *including, without limitation, power-based violence, that are used at institutions*
28 *within the System;*

29 *(c) Meet with organizations that provide services to victims of violence,*
30 *including, without limitation, power-based violence; and*

31 *(d) Identify possible gaps in the services that are available for victims of*
32 *power-based violence at institutions within the System.*

33 9. *The Commission shall, not later than August 1 of each odd-numbered*
34 *year, submit to the Joint Interim Standing Committee on Education any*
35 *recommendations for legislation relating to power-based violence.*

36 Sec. 5. NRS 396.125 is hereby amended to read as follows:

37 396.125 As used in NRS 396.125 to 396.1595, inclusive, ~~and [section 4,]~~
38 ~~sections 4.3 and 4.6 of this act,~~ unless the context otherwise requires, the words
39 and terms defined in NRS 396.126 to 396.138, inclusive, and section 4.3 of this act
40 have the meanings ascribed to them in those sections.

41 Sec. 5.2. NRS 396.126 is hereby amended to read as follows:

42 396.126 "Complainant" means a student or employee of an institution within
43 the System who is alleged to be the victim of conduct that could constitute ~~[sexual~~
44 ~~misconduct.]~~ power-based violence.

45 Sec. 5.4. NRS 396.129 is hereby amended to read as follows:

46 396.129 "Reporting party" means a person who reports an alleged incident of
47 ~~[sexual misconduct.]~~ power-based violence to the institution.

48 Sec. 5.6. NRS 396.131 is hereby amended to read as follows:

49 396.131 "Respondent" means a person who has been reported to be the
50 perpetrator of conduct that could constitute ~~[sexual misconduct.]~~ power-based
51 violence.

52 Sec. 5.8. NRS 396.138 is hereby amended to read as follows:

396.138 “Trauma-informed response” means a response involving an understanding of the complexities of ~~sexual misconduct~~ power-based violence, including, without limitation:

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. 6. NRS 396.1415 is hereby amended to read as follows:

396.1415 1. The ~~Task Force on Sexual Misconduct at Institutions of Higher Education~~ Commission on Higher Education Campus Safety created by ~~NRS 396.141~~ section 4 of this act shall:

(a) Review the results of any climate survey on ~~sexual misconduct~~ power-based violence 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~~ power-based violence 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. 7. NRS 396.142 is hereby amended to read as follows:

396.142 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~~ power-based violence designed to be administered at institutions within the System. The climate survey on ~~sexual misconduct~~ power-based violence 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~~ power-based violence, 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~~ power-based violence at institutions of higher education;

(c) Consult with a student government association;

(d) Review climate surveys on ~~sexual misconduct~~ power-based violence 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~~ power-based violence to ensure the adequacy and appropriateness of any proposed content of the climate survey on ~~sexual misconduct~~ power-based violence;

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

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

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

1 (a) The estimated number of alleged incidents of ~~sexual misconduct,~~ power-
2 based violence, both reported and not reported, at an institution within the System,
3 if a student taking the survey has knowledge of such information;

4 (b) When and where an alleged incident of ~~sexual misconduct,~~ power-based
5 violence occurred;

6 (c) Whether an alleged incident of ~~sexual misconduct,~~ power-based violence
7 was perpetrated by a student, faculty member, staff member of an institution within
8 the System, third party vendor or another person;

9 (d) Awareness of a student of the policies and procedures related to ~~sexual~~
10 ~~misconduct,~~ power-based violence at an institution;

11 (e) Whether a student reported an alleged incident of ~~sexual misconduct,~~
12 power-based violence and:

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

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

17 (f) Whether a student who reported an alleged incident of ~~sexual misconduct,~~
18 power-based violence was:

19 (1) Offered supportive measures by an institution;

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

23 (3) Informed of the prohibition against retaliation for reporting an alleged
24 incident of ~~sexual misconduct,~~ power-based violence;

25 (g) Contextual factors in an alleged incident of ~~sexual misconduct,~~ power-
26 based violence, such as the involvement of force, incapacitation or coercion;

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

32 (i) Perceptions a student has of campus safety;

33 (j) Whether a student has confidence in the ability of the institution to protect
34 against and respond to alleged incidents of ~~sexual misconduct,~~ power-based
35 violence;

36 (k) Whether a student chose to withdraw or take a leave of absence from the
37 institution or transfer to another institution because the student is the complainant
38 or respondent in an alleged incident of ~~sexual misconduct,~~ power-based violence;

39 (l) Whether a student withdrew from any classes or was placed on academic
40 probation, disciplinary probation or otherwise disciplined as a result of an alleged
41 incident of ~~sexual misconduct,~~ power-based violence;

42 (m) Whether a student experienced any financial impact as a result of an
43 alleged incident of ~~sexual misconduct,~~ power-based violence;

44 (n) Whether a student experienced any negative health impacts as a result of an
45 alleged incident of ~~sexual misconduct,~~ power-based violence, including, without
46 limitation, post-traumatic stress disorder, anxiety, depression, chronic pain or an
47 eating disorder;

48 (o) The perception of the participants in the survey of the attitudes of the
49 community toward ~~sexual misconduct,~~ power-based violence, including, without
50 limitation, the willingness of a person to intervene in an ongoing incident of ~~sexual~~
51 ~~misconduct,~~ power-based violence as a bystander; and

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

4. The climate survey on ~~sexual misconduct~~ power-based violence must provide an option for students to decline to answer a question.

5. The climate survey on ~~sexual misconduct~~ power-based violence must be provided to the ~~Task Force on Sexual Misconduct at Institutions of Higher Education~~ Commission on Higher Education Campus Safety created pursuant to ~~NRS 396.141~~ section 4.6 of this act for comment.

Sec. 7.1. NRS 396.1425 is hereby amended to read as follows:

396.1425 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~~ power-based violence at the institution biennially.

2. A climate survey on ~~sexual misconduct~~ power-based violence conducted pursuant to subsection 1 must include the questions developed by researchers employed at an institution within the System pursuant to NRS 396.142. If an institution within the System includes additional questions on a climate survey on ~~sexual misconduct~~ power-based violence pursuant to subsection 1, the questions must not be unnecessarily traumatizing for a victim of an alleged incident of ~~sexual misconduct~~ power-based violence.

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

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

(b) Not require the disclosure of personally identifiable information by a participant in the climate survey on ~~sexual misconduct~~ power-based violence;

(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~~ power-based violence;

(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 personally identifiable information of any person, the summary of the responses to the climate survey on ~~sexual misconduct~~ power-based violence.

4. A climate survey on ~~sexual misconduct~~ power-based violence must be administered electronically by an institution within the System and provide reasonable accommodations for students with a disability.

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

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

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

Sec. 7.2. NRS 396.143 is hereby amended to read as follows:

396.143 1. If the Board of Regents requires an institution within the System to conduct a climate survey on ~~sexual misconduct~~ power-based violence pursuant to NRS 396.1425, the Board of Regents shall to the extent that money is available:

(a) Provide a copy of the questions developed by the researchers employed at an institution within the System pursuant to NRS 396.142 to each institution within a reasonable time after the Board of Regents receives the questions from the researchers;

(b) Establish a repository for the summaries of the climate survey on ~~sexual misconduct~~ power-based violence submitted by each institution pursuant to NRS 396.1425;

(c) Post each summary of the responses to a climate survey on ~~sexual misconduct~~ power-based violence submitted by an institution pursuant to NRS 396.1425 on the Internet website maintained by the Board of Regents in a manner that does not disclose personally identifiable information of any person;

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

(e) On or before February 1 of each odd-numbered year, report the summaries of the climate survey on ~~sexual misconduct~~ power-based violence submitted by an institution pursuant to NRS 396.1425 to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

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

Sec. 7.3. NRS 396.144 is hereby amended to read as follows:

396.144 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~~ power-based violence adopted pursuant to NRS 396.145 to receive annual training on topics related to ~~sexual misconduct~~ power-based violence which may include, without limitation, any training required pursuant to NRS 396.152;

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

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

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

Sec. 7.4. NRS 396.145 is hereby amended to read as follows:

396.145 1. The Board of Regents may require an institution within the System to adopt a policy on ~~sexual misconduct~~ power-based violence consistent with applicable state and federal law.

2. If the Board of Regents requires the adoption of a policy on ~~sexual misconduct~~ power-based violence pursuant to subsection 1, in developing the policy on ~~sexual misconduct~~ power-based violence, 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 NRS 396.147, the organization that assists persons involved in ~~sexual misconduct~~ power-based violence; 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 NRS 396.148;
(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~~ power-based violence 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~~ power-based violence 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~~ power-based violence 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~~ power-based violence 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~~ power-based violence pursuant to subsection 1, an institution within the System shall make the policy on ~~sexual misconduct~~ power-based violence publicly available not later than the start of each academic year:

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

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

Sec. 7.5. NRS 396.146 is hereby amended to read as follows:

396.146 A policy on ~~sexual misconduct~~ power-based violence adopted pursuant to NRS 396.145 must include, without limitation, information on:

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

2. Supportive measures, including, without limitation:

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

(b) Taking a leave of absence from the institution in response to an alleged incident of ~~sexual misconduct~~ power-based violence;

(c) How to request supportive measures; and

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

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

4. The grievance process of the institution for investigating and resolving a report of an alleged incident of ~~sexual misconduct~~ power-based violence pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.

Sec. 7.6. NRS 396.147 is hereby amended to read as follows:

396.147 1. The Board of Regents may require an institution within the System to enter into a memorandum of understanding with an organization that

assists persons involved in ~~{sexual misconduct}~~ power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the institution and the organization that assists persons involved in ~~{sexual misconduct}~~ power-based violence to establish an understanding of the:

(1) Responsibilities that the institution and organization that assists persons involved in ~~{sexual misconduct}~~ power-based violence have in responding to a report or disclosure of an alleged incident of ~~{sexual misconduct}~~ power-based violence; and

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

(b) Require an organization that assists persons involved in ~~{sexual misconduct}~~ power-based violence to:

(1) Assist with developing policies, programming or training at the institution regarding ~~{sexual misconduct}~~ power-based violence;

(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}~~ power-based violence 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}~~ power-based violence.

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

Sec. 7.7. NRS 396.148 is hereby amended to read as follows:

396.148 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}~~ power-based violence 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}~~ power-based violence; 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}~~ power-based violence;

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

(c) Any policy on ~~sexual misconduct~~ power-based violence adopted by the institution pursuant to NRS 396.145; and

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

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. 7.8. NRS 396.149 is hereby amended to read as follows:

396.149 1. If an advocate is designated pursuant to NRS 396.148, 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~~ power-based violence 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~~ power-based violence adopted by the institution pursuant to NRS 396.145;

(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~~ power-based violence 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 NRS 396.148, 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~~ power-based violence 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~~ power-based violence 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~~ power-based violence to the institution within the System which designated the advocate pursuant to NRS 396.148.

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. 7.9. NRS 396.151 is hereby amended to read as follows:

396.151 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~~ power-based violence 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~~ power-based violence unless the institution determines that the:

(a) Report of an alleged incident of ~~sexual misconduct~~ power-based violence 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~~ power-based violence that was reported and the misconduct that led to the reporting party or witness being disciplined.

Sec. 7.95. NRS 396.152 is hereby amended to read as follows:

396.152 1. The Board of Regents may require an institution within the System to provide training on the grievance process of the institution in accordance with 34 C.F.R. § 106.45.

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

Sec. 8. NRS 396.153 is hereby amended to read as follows:

396.153 1. The Board of Regents may require an institution within the System to provide programming on awareness and prevention of ~~sexual misconduct~~ power-based violence to all students and employees of the institution. If the Board of Regents requires an institution to provide programming on awareness and prevention of sexual misconduct, the programming must include, without limitation:

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

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

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

(d) Information on the grievance process of the institution for addressing a report of an alleged incident of ~~{sexual misconduct,}~~ power-based violence, including, without limitation, a policy on ~~{sexual misconduct,}~~ power-based violence adopted pursuant to NRS 396.145;

(e) The range of sanctions or penalties the institution may impose on a student or employee found responsible for an incident of ~~{sexual misconduct,}~~ power-based violence;

(f) If an advocate is designated pursuant to NRS 396.148, the name, contact information and role of the advocate;

(g) Strategies for intervention by bystanders;

(h) Strategies for reduction of the risk of ~~{sexual misconduct,}~~ power-based violence; and

(i) Any other opportunities for additional programming on awareness and prevention of ~~{sexual misconduct,}~~ power-based violence.

2. If an institution provides programming on awareness and prevention of ~~{sexual misconduct,}~~ power-based violence pursuant to subsection 1, the institution:

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

(b) May coordinate with a law enforcement agency and, if the institution entered into a memorandum of understanding with an organization that assists persons involved in ~~{sexual misconduct,}~~ power-based violence pursuant to NRS 396.147, that organization; and

(c) Shall require ~~{students or employees,}~~ :

(1) *A student* to attend the programming on the awareness and prevention of ~~{sexual misconduct,}~~ power-based violence at least once during his or her first two regular academic semesters after enrollment; and

(2) *An employee* to attend the programming on the awareness and prevention of ~~{sexual misconduct,}~~ power-based violence not less than once every 3 years.

3. If an institution provides programming on awareness and prevention of ~~{sexual misconduct,}~~ power-based violence pursuant to subsection 1, the programming may be culturally responsive and address the unique experiences and challenges faced by students based on the race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of a student.

4. *If an institution provides programming on awareness and prevention of ~~{sexual misconduct,}~~ power-based violence to students pursuant to subsection 1, the institution may:*

(a) *Incorporate the programming into one or more courses for which a student may receive credit toward the course work required of the student for the award of an associate's degree, baccalaureate degree or certificate at any university, state college or community college.*

(b) *Condition the award of an associate's degree, baccalaureate degree or certificate upon the completion of a course described in paragraph (a).*

5. *If an institution provides programming on awareness and prevention of power-based violence to students pursuant to subsection 1, the institution shall require the programming to be provided and attended in person if the institution provides on-campus housing, except that an institution may provide a waiver from the requirement to attend the programming in person for a student who is enrolled in a program that is attended remotely.*

6. *If an institution provides programming on awareness and prevention of ~~{sexual misconduct to employees,}~~ power-based violence pursuant to subsection 1, the institution shall ~~for~~*

~~1 (a) Require the programming to be provided and attended in person, except~~
~~2 during a period in which a state of emergency or declaration of disaster has been~~
~~3 proclaimed by the Governor or the Legislature pursuant to NRS 414.070 in the~~
~~4 geographic area in which the institution is located.~~

~~5 (b) Require~~ require a syllabus for the programming that includes resources
6 about how to obtain information on:

~~7 (1) (a) Options for reporting an alleged incident of [sexual~~
~~8 misconduct] power-based violence, the effects of each option and the method to~~
~~9 file a report under each option;~~

~~10 (2) (b) Counseling services available on a campus of the institution~~
~~11 and through local community resources;~~

~~12 (3) Medical and legal services;~~

~~13 (c) Community-based organizations which provide assistance to victims of~~
~~14 power-based violence whose services are available on or off a campus of the~~
~~15 institution;~~

~~16 (4) (d) Available supportive measures;~~

~~17 (5) (e) The grievance process of the institution and that the grievance~~
~~18 process is not a substitute for the system of criminal justice; and~~

~~19 (6) (f) A policy on [sexual misconduct] power-based violence adopted~~
~~20 by the institution pursuant to NRS 396.145.~~

~~21 (c) Make a copy of the syllabus and any instructional materials for the~~
~~22 programming available for viewing at all times by any interested employee.~~

~~23 7. If an institution provides programming on awareness and prevention of~~
~~24 power-based violence pursuant to subsection 1, the institution shall make the~~
~~25 information which is required to be included in the syllabus for the programming~~
~~26 pursuant to paragraphs (a) to (f), inclusive, of subsection 6 available on the~~
~~27 Internet website of the institution.~~

~~28 Sec. 8.1. NRS 396.154 is hereby amended to read as follows:~~

~~29 396.154 The Board of Regents may require an institution within the System~~
~~30 that receives a report of an alleged incident of [sexual misconduct] power-based~~
~~31 violence that involves a student or employee of the institution to determine the~~
~~32 responsibility of a respondent, if any, based on a preponderance of the evidence.~~

~~33 Sec. 8.2. NRS 396.155 is hereby amended to read as follows:~~

~~34 396.155 1. The Board of Regents may require an institution within the~~
~~35 System to accept a request from a complainant who is 18 years of age or older to~~
~~36 keep the identity of the complainant confidential or take no investigative or~~
~~37 disciplinary action against a respondent. An institution shall not grant such a~~
~~38 request if state or federal law requires disclosure or further action. In determining~~
~~39 whether to grant such a request, the institution shall consider whether there is a risk~~
~~40 that the respondent may commit additional acts of [sexual misconduct,] violence,~~
~~41 power-based violence, discrimination or harassment based on whether one or more~~
~~42 of the following factors are present to a sufficient degree such that the request~~
~~43 cannot be honored:~~

~~44 (a) There are any previous or existing reports of an incident of [sexual~~
~~45 misconduct] power-based violence against the respondent, including, without~~
~~46 limitation, records of complaints or the arrest of the respondent;~~

~~47 (b) The respondent allegedly used a weapon;~~

~~48 (c) The respondent threatened violence, discrimination or harassment against~~
~~49 the complainant or other persons;~~

~~50 (d) The alleged incident of [sexual misconduct] power-based violence was~~
~~51 alleged to have been committed by two or more people;~~

(e) The circumstances surrounding the alleged incident of ~~sexual misconduct~~ **power-based violence** indicate that the incident was premeditated and, if so, whether the respondent or another person allegedly premeditated the incident;

(f) The circumstances surrounding the alleged incident of ~~sexual misconduct~~ **power-based violence** indicate a pattern of consistent behavior at a particular location or by a particular group of people;

(g) The institution is able to conduct a thorough investigation and obtain relevant evidence without the cooperation of the 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~~ **power-based violence** while maintaining the confidentiality of the complainant;

(b) Limit the effects of the alleged incident of ~~sexual misconduct~~ **power-based violence**; 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~~ **power-based violence** 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~~ **power-based violence** 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. 8.3. NRS 396.156 is hereby amended to read as follows:

396.156 1. In conducting an investigation of an alleged incident of ~~sexual misconduct~~ **power-based violence** 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~~ **power-based violence** 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. 8.4. NRS 396.158 is hereby amended to read as follows:

396.158 1. A student who experiences ~~[sexual misconduct]~~ **power-based violence** may request a waiver from any requirement to maintain a certain grade point average, credit enrollment, or other academic or disciplinary record requirement relating to academic success for any scholarship, grant or other academic program offered by an institution within the System. A waiver may be granted by a provost, dean, academic advisor or other appropriate staff or faculty member of the institution.

2. A student or employee who experiences ~~[sexual misconduct]~~ **power-based violence** may be granted a request to take a leave of absence or, to the extent practicable, extend benefits of employment.

Sec. 8.5. NRS 396.159 is hereby amended to read as follows:

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

(a) The total number of reports of alleged incidents of ~~[sexual misconduct]~~ **power-based violence** allegedly committed by a student or employee of the institution made to the Title IX office of the institution;

(b) The number of students and employees found responsible for an incident of ~~[sexual misconduct]~~ **power-based violence** by the institution;

(c) The number of students and employees accused of but found not responsible for an incident of ~~[sexual misconduct]~~ **power-based violence** by the institution;

(d) The number of persons sanctioned by the institution as a result of a finding of responsibility for an incident of ~~[sexual misconduct]~~ **power-based violence**; and

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

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

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

5. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, the Board of Regents shall, not later than December 31 of each year, submit a compilation of the reports the Board 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 Joint Interim Standing Committee on Education in odd-numbered years.

6. Any data or reports that underlie the report prepared pursuant to subsection 4 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 8.6. 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~~ **power-based violence** pursuant to NRS 396.125 to 396.1595, inclusive, with or without compensation and who has received at least 20 hours of relevant training.

Sec. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9.5. 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. 10. NRS **394.16055, 396.134 and** 396.141 ~~is~~ **are** hereby repealed.

Sec. 11. This act becomes effective on July 1, 2023.

TEXT OF REPEALED ~~SECTION~~ SECTIONS

394.16055 “Sexual misconduct” defined. “Sexual misconduct” has the meaning ascribed to it in NRS 391.860.

396.134 “Sexual misconduct” defined. “Sexual misconduct” means dating violence, domestic violence, gender-based violence, gender-based harassment, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, stalking or indecent exposure.

396.141 Task Force on Sexual Misconduct at Institutions of Higher Education: Creation; members; meetings.

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.