

BOARD OF REGENTS
BRIEFING PAPER

Handbook Revision, Scholarship and Grant Waivers Related to Sexual Harassment

BACKGROUND & POLICY CONTEXT OF ISSUE:

During the 2021 Session of the Nevada State Legislature, [Senate Bill 347](#) (Chapter 542, *Statutes of Nevada 2021*) was enacted authorizing students who experience sexual misconduct to request a waiver from any requirement to maintain a certain grade point average, credit enrollment, or other academic requirement relating to a scholarship or grant offered within the NSHE (Section 24.95). In addition, the measure specifically provides that a student who experiences sexual misconduct may request a waiver from the credit load requirements that must be maintained for eligibility for the Governor Guinn Millennium Scholarship (GGMS) (Section 27.5). Further, a student who experiences sexual misconduct may also request a waiver from the satisfactory academic progress and grade point average requirements for maintaining Millennium Scholarship eligibility (Section 27.7).

Board policy (*Title 4, Chapter 8, Section 13*) provides interim measures, supportive measures and remedies for both parties (complainant and respondent). The revisions as proposed provide for interim support measure and final support and remedies in the form of scholarship and grant waivers, generally and specifically for the GGMS.

NOTE: The provisions of Senate Bill 347 are not retroactive and therefore waivers will only be applied to scholarships or grants awarded after July 1, 2021. Further, the provisions of state law governing eligibility for Silver State Opportunity Grant (SSOG) and the Nevada Promise Program (NPS) were not specifically amended by Senate Bill 347 as was the case for the Governor Guinn Millennium Scholarship. However, the SSOG and NPS programs both have processes in which a student can file an appeal for the purpose of reviewing eligibility status for any matter.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend *Title 4, Chapter 18, Section 3*, to eliminate outdated provisions governing scholarships generally and utilize that section of the *Handbook* to include provisions allowing students to request a waiver from any requirement for a state or institutional scholarship or grant as an interim measure, supportive measure, or remedy pursuant to *Title 4, Chapter 8, Section 13*.

In addition, amend *Title 4, Chapter 18, Section 9*, governing various provisions of the Governor Guinn Millennium Scholarship to provide that a student may seek an interim measure, supportive measure, or remedy in the form of a waiver from the credit load, satisfactory progress, and GPA requirements to maintain scholarship eligibility.

IMPETUS (WHY NOW?):

This proposal is brought forward to revise Board policy regarding scholarship and grant eligibility in response to Senate Bill 347 that was enacted during the 2021 Session of the Nevada State Legislature.

CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- Access (Increase participation in post-secondary education)
- Success (Increase student success)
- Close the Achievement Gap (Close the achievement gap among underserved student populations)
- Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)
- Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

The provisions of the proposal included here support student access and success, allowing students to receive a waiver from certain scholarship or grant requirements for the purpose of maintaining eligibility pursuant to *Title 4, Chapter 8, Section 13*.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- This policy revision is required for Board policy to remain in compliance with State law.
- Adoption of the revision as presented herein will support access and success for students.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None have been presented.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

None have been presented.

RECOMMENDATION FROM THE CHANCELLOR’S OFFICE:

The Chancellor’s Office recommends amending Board policy to comply with the provisions of state law as denoted in Section 24.95, 27.5, and 27.7 of Senate Bill 347.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Board Policy: *Title 4, Chapter 8, Section 13; Title 4, Chapter 18, Section 3; and Title 4, Chapter 18, Section 9*
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- Fiscal Impact: Yes _____ No X _____
Explain: _____

POLICY PROPOSAL

Title 4, Chapter 8, Section 13.B (in part) Remedies and Interim Measures for Unlawful Discrimination and Unlawful Harassment that Does not Constitute Sexual Harassment under Title IX

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 13. Policy Against Unlawful Discrimination and Harassment; Complaint Procedure

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B. Remedies and Interim Measures for Unlawful Discrimination and Unlawful Harassment that Does Not Constitute Sexual Harassment under Title IX

It may be necessary or advisable to take actions (as determined by the institution) designed to minimize the chance that either party may either harass or retaliate against the other party and to provide support to the parties, as appropriate. The measures themselves must not amount to retaliation and shall not be deemed to be a sanction. Depending on the specific nature of the problem, interim measures and final remedies may include, but are not limited to:

For Students:

- a. Issuing mutual no contact directives;
- b. Providing an escort to ensure safe movement between classes and activities;
- c. Not sharing classes or extracurricular activities;
- d. Moving to a different residence hall;
- e. Providing written information regarding institution and community services including but not limited to medical, counseling and academic support services, such as tutoring;
- f. Providing extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
- g. Restricting to online classes;
- h. Providing information regarding campus transportation options;
- i. Reviewing any disciplinary actions taken against the complainant or the respondent to see if there is a connection between the sexual misconduct and the misconduct that may have resulted in the complainant or the respondent being disciplined¹;
- j. Requiring the parties to report any violations of these restrictions; [~~and~~]
- k. Taking a leave of absence[~~;~~];
- l. Submitting a request for a waiver of scholarship or grant requirements pursuant to Title 4, Chapter 18, Section 3; and*
- m. Submitting a request for a waiver of requirements of the Governor Guinn Millennium Scholarship pursuant to Title 4, Chapter 18, Section 9.23.*

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¹For example, if one party was disciplined for skipping a class in which the other party was enrolled, the institution should review the incident to determine if class was skipped to avoid contact with the other party.

POLICY PROPOSAL

Title 4, Chapter 8, Section 13.D (in part) Sexual Harassment under Title IX

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 13. Policy Against Unlawful Discrimination and Harassment; Complaint Procedure

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D. Sexual Harassment under Title IX

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3. Response to Sexual Harassment

An institution with actual knowledge of sexual harassment allegations in an education program or activity of the institution, as all defined in Subsection 2, against a person in the United States must respond promptly in a manner that is not deliberately indifferent. An institution is “deliberately indifferent” only if its response to sexual harassment allegations is clearly unreasonable in light of the known circumstances.

An institution’s response must treat complainants and respondents equitably by offering supportive measures as defined in Subsection f of Subsection 2 to all parties, and by following a complaint process that complies with Subsection 5 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in Subsection f of Subsection 2 against a respondent.

An institution shall provide this policy which addresses supportive measures to both complainants and respondents.

The institution’s Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as defined in Subsection f of Subsection 2, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. An institution’s treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Depending on the specific nature of the problem, supportive measures and remedies may include, but are not limited to:

For Students:

- a. Issuing a mutual no-contact directive(s);
- b. Providing an escort to ensure safe movement between classes and activities;
- c. Not sharing classes or extracurricular activities;
- d. Moving to a different residence hall;
- e. Providing written information regarding institution and community services including but not limited to medical, counseling and academic support services, such as tutoring;

- f. Providing extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
- g. Taking a leave of absence;
- h. Restricting to online classes;
- i. Providing information regarding campus transportation options;
- j. Reviewing any disciplinary actions taken against the complainant or the respondent to see if there is a connection between the sexual misconduct and the misconduct that may have resulted in the complainant or the respondent being disciplined³; [~~and~~]
- k. Requiring the parties to report any violations of these restrictions[.];
- l. ***Submitting a request for a waiver of scholarship or grant requirements pursuant to Title 4, Chapter 18, Section 3; and***
- m. ***Submitting a request for a waiver of requirements of the Governor Guinn Millennium Scholarship pursuant to Title 4, Chapter 18, Section 9.23.***

....

³For example, if one party was disciplined for skipping a class in which the other party was enrolled, the institution should review the incident to determine if class was skipped to avoid contact with the other party.

POLICY PROPOSAL

Title 4, Chapter 18, Section 3

Scholarship and Grant Waiver Related to Sexual Harassment

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 3. [~~Scholarships, General~~] *Scholarship and Grant Waiver Related to Sexual Harassment*

- ~~1. All scholarships and awards shall be administered by the Office of Financial Aid and Scholarships at UNR; the Financial Aid and Scholarship Office at UNLV; and the Financial Aid Offices of NSC and the community colleges, unless otherwise specified by the Board of Regents or by the donor and approved by the Board of Regents.~~
- ~~2. Except as otherwise provided, applicants for general and college/department undergraduate scholarships at UNR, UNLV, and NSC must have a minimum 2.75 grade point average for all college course work, with at least 12 credit hours completed at the universities and Nevada State College at Henderson.~~
- ~~3. Except as otherwise provided, applicants for regular freshman scholarships at UNR and UNLV must be eligible for admission.~~
- ~~4. Except as otherwise provided, applicants for general and college/department graduate scholarships at UNLV and UNR must have a minimum 3.0 grade point average and must be enrolled for a minimum of six credits for the semester of the award.~~
- ~~5. Pre-arranged donor restrictions may dictate a change in institutional procedures.~~
- ~~6. All scholarships and awards must be coordinated through the Financial Aid Office in accordance with federal regulations.~~
- ~~7. The institution may make exceptions to the provisions of this Section for students with documented disabilities.~~
- ~~8. Exceptions to the provisions of this Section may be made with approval of the President or the President's designee. An institution may establish an appeals process for those students who wish to appeal general and college/departmental award decisions.]~~
- 1. A party to a matter falling within Title 4, Chapter 8, Section 13 (Unlawful Discrimination and Harassment Complaint Procedure), may request a waiver from any requirement to maintain a grade point average, credit enrollment or other requirement for the purpose of maintaining eligibility for a state or institutional scholarship or grant.**
- 2. Except as otherwise provided in Chapter 18, Section 9, each institution shall establish a process whereby a party to a matter pursuant to Title 4, Chapter 8, Section 13, may request a scholarship or grant waiver, including but not limited to an established institutional financial aid appeals process.**

- 3. The waiver may be granted by an institutionally designated individual or through an appeals process.*

POLICY PROPOSAL

Title 4, Chapter 18, Section 9.6

Enrollment Requirements for Receipt of a Scholarship (GGMS)

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

9.6 *Except as otherwise provided in 9.23, a* [A] Nevada resident who meets the requirements set forth in Section 9.1, 9.2 or 9.3 shall receive a Millennium Scholarship if the student:

- a. Enrolls in at least 9 semester credits that apply to a student's program of study at an eligible community college or 12 semester credits that apply to a student's program of study at another eligible institution; and
- b. Enrolls in a program of study leading to a recognized associate degree, baccalaureate degree, or pre-baccalaureate certificate.

Credits taken at another eligible institution to meet degree requirements at the student's home institution shall count towards the requirement of 9.6(a) provided the student enrolls in at least 12 credits.

"Home institution" means the institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

POLICY PROPOSAL

Title 4, Chapter 18, Section 9.14 Maintaining Scholarship Eligibility (GGMS)

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

9.14 Except as otherwise provided *in subsections 9.8, 9.9 and 9.23*, to remain eligible⁶ for a Millennium Scholarship, a student must meet all of the following conditions at each institution where the student is a Millennium Scholarship recipient:

- a. The student must make satisfactory academic progress, as defined by the home institution, toward a recognized associate degree, baccalaureate degree, or pre-baccalaureate certificate[;].
- b. The student must maintain for each fall and spring semester that Millennium Scholarship funding is received at least a 2.75 semester grade point average.
- c. The student must satisfactorily complete the minimum credit requirements in each Fall and Spring semester in which enrolled pursuant to Section 9.6.

9.14.1 [~~The Nevada State Legislature pursuant to Senate Bill 2 of the 31st Special Session authorized the Board of Regents to implement temporary waivers to address the impact of the COVID-19 emergency on continuing eligibility of Millennium recipients.~~

- a. ~~Students that received the Millennium Scholarship in Spring 2020 who lost eligibility at the end of that term pursuant to Subsection 9.14 shall receive a waiver and be deemed eligible to receive funding in the subsequent term for which they enroll pursuant to Subsection 9.14. Further, such students deemed eligible pursuant to this Subsection will not receive a strike pursuant to Subsection 9.16.~~
- b. ~~The Chancellor's Office shall transmit to the State Treasurer's Office a list of students deemed eligible pursuant to this Subsection for the purpose of updating student eligibility records.~~

~~The Chancellor or their designee shall report on the waivers pursuant to this Subsection to the Legislature or, if the Legislature is not in session, the Legislative Committee on Education at the next practicable opportunity.]~~

⁶After initial eligibility is established (as specified in Sections 9.1, 9.2 and 9.3), determinations of continuing eligibility are made only after the student's first enrollment at an eligible institution with Millennium Scholarship support.

POLICY PROPOSAL

Title 4, Chapter 18, new Section 9.23 Waiver Related to Sexual Harrassment (GGMS)

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

9.23 A party to a matter falling within Title 4, Chapter 8, Section 13 (Unlawful Discrimination and Harassment Complaint Procedure), may request a waiver from the continuing eligibility requirements established in subsection 9.6 and 9.14. Waiver requests shall be considered pursuant to the provisions established in Title 4, Chapter 18, Section 3. The Chancellor's Office, Department of Academic and Student Affairs, shall establish a process for reporting waivers granted pursuant to this subsection to the Treasurer's Office for the purpose of updating the student's official Millennium Scholarship record.