

ASSEMBLY BILL NO. 465—ASSEMBLYMEMBER MILLER

MARCH 17, 2025

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-927)

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

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

AN ACT relating to education; providing that a school district or institution within the Nevada System of Higher Education is civilly liable for the actions of certain persons that constitute harassment; setting forth requirements governing when an entity receives notice of such actions; creating affirmative defenses for such actions; prohibiting certain actions by a school district and authorizing the Board of Regents of the University of Nevada to prohibit certain actions by an institution within the System relating to harassment; providing requirements for certain persons designated to receive certain complaints and coordinate compliance with certain federal laws; revising provisions governing a climate survey on power-based violence; defining certain terms relating to incidents of harassment; revising certain terms; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates county school districts as political subdivisions of this
2 State and provides that each school district has the power to be sued. (NRS
3 386.010) Existing law also establishes provisions relating to the handling of power-
4 based violence at institutions within the Nevada System of Higher Education. (NRS
5 396.125-396.1595) **Section 14** of this bill provides that a school district is civilly
6 liable if an agent, employee or authorized person of the school district engages in
7 harassment against a person who participates in or receives an aid, benefit, service
8 or opportunity from an education program or activity of the school district or a
9 school within the school district, or who attempts to participate in or receive any
10 aid, benefit, service or opportunity from such a program or activity, regardless of
11 where the incident occurs, if the incident of harassment is: (1) enabled or assisted



12 by the authority exercised as an agent, employee or authorized person; or (2) the
13 school district receives notice of the incident. **Section 14** additionally provides that
14 a school district is civilly liable if a person who is not an agent, employee or
15 authorized person of the school district engages in harassment if the school district
16 received notice of the incident. **Section 15** of this bill sets forth the criteria for
17 determining when a school district receives notice of an incident of harassment.
18 **Section 16** of this bill creates an affirmative defense for a school district if it
19 demonstrates that it: (1) established, adequately published and enforced certain
20 policies, procedures and training concerning harassment; (2) provided supportive
21 measures within 3 days of receiving notice of the incident; (3) under certain
22 circumstances, undertook a prompt, thorough and impartial investigation; (4) after
23 obtaining consent to do so, facilitated a disciplinary process in accordance with
24 practices based on restorative justice; and (5) took other necessary, prompt and
25 appropriate corrective action. **Sections 27-29** of this bill set forth similar provisions
26 for institutions within the System.

27 **Sections 17 and 30** of this bill: (1) require the board of trustees of each school
28 district and authorize an institution within the System, respectively, to designate
29 one employee to serve as a confidential employee; and (2) set forth the
30 responsibilities of the confidential employee. **Sections 17 and 30** additionally
31 require the board of trustees of each school district and authorize the Board of
32 Regents, respectively, to: (1) direct a civil rights coordinator to perform certain
33 duties; (2) address reports of retaliation against a complainant, reporting party or
34 witness; and (3) prohibit a school district or institution within the System, as
35 applicable, from taking certain actions, including, without limitation, disciplinary
36 actions, against a complainant, reporting party or witness.

37 **Sections 3-13** of this bill define certain terms for the purposes of **sections 14-**
38 **17. Sections 20-26** of this bill define certain terms for the purposes of **sections 27-**
39 **30. Section 31** provides that: (1) the terms defined in **sections 20-26** apply to
40 provisions governing the handling of power-based violence at institutions within
41 the System; and (2) certain terms relating to power-based violence apply to
42 **sections 20-30.**

43 **Section 32** of this bill revises the definition of the term “complainant” to
44 include a student or employee of an institution within the System who is alleged to
45 be the victim of conduct that could constitute harassment. (NRS 396.126) **Section**
46 **33** of this bill revises the term “respondent” to include a person reported for
47 conduct that could constitute harassment. (NRS 396.131) **Section 34** of this bill
48 revises the definition of “sexual harassment” to conform with the definition for the
49 term “sexual harassment” used for the purposes of public schools, as set forth in
50 **section 10.** (NRS 396.133) **Section 35** of this bill revises the definition of the term
51 “supportive measures” to reflect a change in the citation to the relevant federal
52 regulation. (NRS 396.137)

53 Existing law authorizes the Board of Regents to appoint researchers to develop
54 a climate survey on power-based violence designed to be administered at
55 institutions within the System. (NRS 396.142) If the Board of Regents requires
56 administration of the survey, existing law additionally sets forth: (1) requirements
57 for the contents and offering of the survey; and (2) the duties of the Board of
58 Regents in storing and disseminating the responses to the survey. (NRS 396.1425,
59 396.143) Under existing law, the Board of Regents is authorized to: (1) prohibit an
60 institution within the System from subjecting a complainant, reporting party or
61 witness who reports an alleged incident of power-based violence to disciplinary
62 proceedings for certain violations of policies on student conduct; and (2) require an
63 institution within the System to review such disciplinary action to determine if
64 there is a connection between the alleged incident of power-based violence and the
65 misconduct that led to such disciplinary action. (NRS 396.151) **Section 18** of this
66 bill similarly authorizes the board of trustees of each school district to prohibit a



67 school within the school district from subjecting a complainant, reporting party or
68 witness who reports an alleged incident of harassment to disciplinary proceedings
69 under certain circumstances. **Section 22:** (1) defines the term “harassment” for the
70 purposes of provisions relating to harassment at institutions within the System; and
71 (2) includes incidents of power-based violence as incidents of harassment. **Sections**
72 **37-41** of this bill replace the term “power-based violence” with “harassment,”
73 thereby: (1) authorizing the Board of Regents to appoint researchers to develop a
74 climate survey on harassment; and (2) applying the provisions of those sections to
75 incidents of harassment, as defined in **section 22**.

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

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 18, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 18, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 13, inclusive, of this act have the meanings*
7 *ascribed to them in those sections.*

8 **Sec. 3. 1.** *“Authorized person” means a person authorized*
9 *by the board of trustees of a school district or a school within the*
10 *school district to provide an aid, benefit, service or opportunity*
11 *through an education program or activity of the school district or*
12 *a school within the school district.*

13 **2.** *The term includes, without limitation, a:*

14 *(a) Vendor;*

15 *(b) Contractor;*

16 *(c) Member of the board of trustees of the school district;*

17 *(d) Volunteer, as defined in NRS 391.1035; and*

18 *(e) Guest speaker.*

19 **Sec. 4.** *“Civil rights coordinator” means a person who serves*
20 *as a Title IX coordinator, Title VI coordinator or a section 504*
21 *coordinator for a school district or public school in this State.*

22 **Sec. 5.** *“Complainant” means a pupil or employee of a*
23 *school district who is alleged to be the victim of conduct that could*
24 *constitute harassment.*

25 **Sec. 6.** *“Harassment” means:*

26 **1.** *Conduct that, on the basis of an actual or perceived*
27 *protected characteristic of a person or his or her association with*
28 *an actual or perceived protected characteristic of another person,*
29 *whether direct or indirect, verbal or nonverbal or in person or by*
30 *virtual or electronic means, negatively affects the ability of the*
31 *person to participate in or receive an aid, benefit, service or*
32 *opportunity from an education program or activity of a school*
33 *district or public school in this State, including, without limitation,*



1 *by creating an intimidating, hostile or abusive educational or work*
2 *environment;*

3 2. *Sexual harassment; or*

4 3. *An incident of power-based violence, as defined in*
5 *NRS 396.1285.*

6 **Sec. 7.** *“Protected characteristic” means the race, color,*
7 *religion, ancestry, national origin, physical or mental disability,*
8 *familial status, sex, sexual orientation or gender identity or*
9 *expression of a person.*

10 **Sec. 8.** *“Respondent” means a person alleged to have*
11 *engaged in conduct that could constitute harassment.*

12 **Sec. 9.** *“Section 504 coordinator” means an employee*
13 *designated by the board of trustees of the school district or the*
14 *principal of a school within the district to coordinate compliance*
15 *by the school district or school with section 504 of the*
16 *Rehabilitation Act of 1973, 29 U.S.C. § 794.*

17 **Sec. 10.** *“Sexual harassment” means conduct that, on the*
18 *basis of sex, whether direct or indirect, implicit or explicit, verbal*
19 *or nonverbal or in person or via virtual or electronic means, takes*
20 *the form of:*

21 1. *Conduct by an agent, employee or authorized person that*
22 *implicitly or explicitly conditions the provision of an aid, benefit,*
23 *service or opportunity through an education program or activity*
24 *on the participation of a person in a sexual act, regardless of*
25 *whether the person assents to or refuses to participate in the*
26 *sexual act. Such conduct includes, without limitation:*

27 (a) *A sexual advance;*

28 (b) *A request for sexual favors; or*

29 (c) *Other conduct of a sexual nature.*

30 2. *Unwelcome sexual advances, requests for sexual favors*
31 *and conduct of a sexual nature or evincing gender bias that*
32 *negatively affects the ability of a person to participate in or receive*
33 *an aid, benefit, service or opportunity from an education program*
34 *or activity of a public school or school district, including, without*
35 *limitation, by creating an intimidating, hostile or abusive*
36 *educational or work environment which may interfere with the*
37 *academic or occupational performance of the person.*

38 3. *Power-based violence, as defined in NRS 396.1285.*

39 **Sec. 11.** *“Supportive measures” has the meaning ascribed to*
40 *it in 34 C.F.R. § 106.2.*

41 **Sec. 12.** *“Title VI coordinator” means a person designated*
42 *by the board of trustees of a school district or the principal of a*
43 *school within the school district to coordinate compliance by*
44 *the school district or school with Title VI of the Civil Rights Act of*
45 *1964, 42 U.S.C. §§ 2000d et seq.*



1 **Sec. 13.** *“Title IX coordinator” means a person designated*
2 *by the board of trustees of a school district or the principal of a*
3 *school within the school district to:*

4 1. *Oversee compliance by the school or school district with*
5 *the provisions of Title IX of the Education Amendments Act of*
6 *1972, 20 U.S.C. §§ 1681 et seq.;*

7 2. *Receive notice of instances of discrimination on the basis*
8 *of sex within the school or school district, as applicable;*

9 3. *Contact a complainant about supportive measures and*
10 *options for reporting grievances; and*

11 4. *Oversee the grievance process of the school or school*
12 *district, as applicable.*

13 **Sec. 14.** *Except as otherwise provided in section 16 of this*
14 *act, a school district is civilly liable if, regardless of where an*
15 *incident of harassment occurs:*

16 1. *An agent, employee or authorized person of the school*
17 *district engages in harassment against a person who participates*
18 *in or receives an aid, benefit, service or opportunity from an*
19 *education program or activity of the school district or a school*
20 *within the school district, or who attempts to participate in or*
21 *receive any aid, benefit, service or opportunity from such a*
22 *program or activity, if:*

23 (a) *The incident of harassment is enabled or assisted by the*
24 *authority exercised as an agent, employee or authorized person of*
25 *the school district; or*

26 (b) *The school district receives notice of the harassment; or*

27 2. *A person who is not an agent, employee or authorized*
28 *person of the school district engages in harassment against a*
29 *person who participates in or receives an aid, benefit, service or*
30 *opportunity from the education program or activity of the school*
31 *district or a school within the school district, or who attempts to*
32 *participate in or receive any aid, benefit, service or opportunity*
33 *from such a program or activity, if the school district receives*
34 *notice of the harassment.*

35 **Sec. 15.** *A school district receives notice of harassment if an*
36 *agent, employee or authorized person knew or, in the exercise of*
37 *reasonable care, should have known, about the harassment, and:*

38 1. *The agent, employee or authorized person:*

39 (a) *Has the authority to take action to address the harassment;*

40 (b) *Has the responsibility to report harassment or similar*
41 *misconduct to an administrator; or*

42 (c) *Receives a report of harassment from a person who*
43 *reasonably believes that the agent, employee or authorized person*
44 *holds the authority or responsibility described in paragraph (a) or*
45 *(b), as applicable; and*



1 2. *The agent, employee or authorized person was not*
2 *prevented from taking action or reporting the harassment by any*
3 *privilege which exists at common law, by statute or otherwise.*

4 **Sec. 16. 1.** *A school district is immune from civil liability*
5 *pursuant to section 14 of this act if the school district*
6 *demonstrates that it exercised reasonable care to prevent the*
7 *harassment and promptly remedy the effects of the harassment,*
8 *including, without limitation, through a demonstration by the*
9 *school district that it:*

10 (a) *Established, adequately published and enforced, as*
11 *applicable:*

12 (1) *A comprehensive policy to prevent harassment;*

13 (2) *An annual training session concerning harassment that*
14 *is given to all pupils and employees within the school district; and*

15 (3) *A harassment complaint procedure that is likely to*
16 *provide a redress of grievances and avoid harm to the complainant*
17 *without exposing him or her to unreasonable risk, effort or*
18 *expense;*

19 (b) *Within 3 school days after receiving notice of an instance*
20 *of harassment, provided supportive measures to preserve and*
21 *restore access to the education program or activity of the school*
22 *district or school within the school district for the complainant,*
23 *regardless of whether the complainant requests an investigation*
24 *into the harassment;*

25 (c) *If requested by a complainant, or his or her parent or legal*
26 *guardian if he or she is a minor, or otherwise necessary to protect*
27 *the complainant or other persons in the education program or*
28 *activity from a significant ongoing threat of harm, undertook a*
29 *prompt, thorough and impartial investigation of the incident of*
30 *harassment;*

31 (d) *If informed consent is obtained from a complainant and*
32 *from the person alleged to have committed harassment, or the*
33 *parent or legal guardian of either person if either person is a*
34 *minor, facilitated a disciplinary process in accordance with*
35 *practices based on restorative justice, as defined in NRS 392.472;*
36 *and*

37 (e) *Took other necessary, prompt and appropriate corrective*
38 *action designed to stop the harassment, prevent its recurrence and*
39 *remedy its effects.*

40 2. *To assert an affirmative defense pursuant to this section, a*
41 *school district must establish that it acted with reasonable care as*
42 *required by paragraphs (a) to (e), inclusive, of subsection 1, even*
43 *if additional incidents of harassment did not occur after the school*
44 *district first received notice of the harassment.*



1 **Sec. 17. 1. The board of trustees of each school district**
2 *must designate at least one employee of the school district to serve*
3 *as the confidential employee for the school district. A confidential*
4 *employee designated pursuant to this section is not required to*
5 *report instances of harassment to a civil rights coordinator. When*
6 *an incident of harassment is disclosed and does not rise to the*
7 *level of abuse or neglect for which a report is required pursuant to*
8 *NRS 392.303, a confidential employee is not required to report the*
9 *incident to law enforcement.*

10 **2. A confidential employee must inform a person who**
11 *discloses allegations of harassment:*

12 **(a) How to report the allegations of harassment to a civil rights**
13 *coordinator;*

14 **(b) How a civil rights coordinator can assist the person who**
15 *disclosed the allegations of harassment; and*

16 **(c) That the confidential employee will not report the**
17 *allegations of harassment to a civil rights coordinator.*

18 **3. A civil rights coordinator, or his or her designee, at each**
19 *school district shall, upon receiving notice of allegations of*
20 *harassment, notify the complainant, in an age-appropriate and*
21 *accessible manner, in writing or orally, about resources and*
22 *services available to the complainant to ensure his or her access to*
23 *education programs or activities, including, without limitation:*

24 **(a) Supportive measures, including, without limitation:**

25 **(1) Adapting course schedules, assignments or**
26 *examinations;*

27 **(2) Issuing no-contact orders;**

28 **(3) Providing counseling services;**

29 **(4) Altering activities or employment;**

30 **(5) Adjusting grades or transcripts;**

31 **(6) Preserving eligibility for leadership positions,**
32 *scholarships and other education programs or activities,*
33 *regardless of requirements concerning attendance or grade point*
34 *averages;*

35 **(7) Permitting absences, leaves of absence; or**

36 **(8) Increasing monitoring or supervision at locations or**
37 *during activities where the harassment is alleged to have*
38 *occurred;*

39 **(b) Information about community-based support services,**
40 *including, without limitation:*

41 **(1) Counseling services, mental health resources, substance**
42 *misuse resources and other health services;*

43 **(2) Legal advocates, housing advocates and advocates for**
44 *victims; and*



1 (3) Any services provided as the result of an active
2 memorandum of understanding required pursuant to NRS
3 388.1347; and

4 (c) Reasonable accommodations for complainants and
5 respondents with disabilities, including, without limitation, pre-
6 existing disabilities and disabilities arising from the harassment,
7 consistent with federal and state law, including, without
8 limitation:

9 (1) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.
10 § 794;

11 (2) The Americans with Disabilities Act of 1990, 42 U.S.C.
12 §§ 12101 et seq.; and

13 (3) The Individuals with Disabilities Education Act, 20
14 U.S.C. §§ 1400 et seq.

15 **Sec. 18. 1. A school district shall:**

16 (a) Require a civil rights coordinator, or his or her designee, to
17 review any disciplinary actions against a complainant, reporting
18 party or witness to ensure it does not discriminate against or
19 harass the person on the basis of a protected characteristic; and

20 (b) Address reports of retaliation against a complainant,
21 reporting party or witness, including, without limitation,
22 investigating or disciplining a person who engages in retaliation.

23 2. A school district shall not:

24 (a) Discipline a complainant, reporting party or witness for a
25 report of harassment that is deemed false for which the school
26 district has decided that there is insufficient evidence for a finding
27 of responsibility or for which the respondent is found to not be
28 responsible for an incident of harassment;

29 (b) Discipline a complainant, reporting party or witness for a
30 complaint of alleged misconduct that the school district knew or
31 should have known was filed by a respondent or other person for
32 the purpose of retaliation;

33 (c) Require a complainant, reporting party or witness to leave
34 an education program or activity of the school district or a school
35 within the school district because the complainant reported an
36 incident of harassment; or

37 (d) Require a complainant to enter a confidentiality agreement
38 as a prerequisite to obtaining supportive measures, participating
39 in an investigation or informal resolution or asserting any other
40 rights under federal or state law and shall not discipline a
41 complainant, reporting party or witness for violating a
42 confidentiality agreement that is impermissible pursuant to this
43 paragraph, unless otherwise permitted by federal or state law.

44 3. The board of trustees of a school district may prohibit a
45 school within the school district from subjecting a complainant,



1 *reporting party or witness who reports an alleged incident of*
2 *harassment to a disciplinary proceeding pursuant to chapter 392*
3 *of NRS for a violation of a policy on the conduct of pupils related*
4 *to drug or alcohol use, trespassing or unauthorized entry of school*
5 *facilities or other violation of a policy of the school district that*
6 *occurred during or related to an alleged incident of harassment,*
7 *unless the board of trustees of the school district determines that*
8 *the:*

9 (a) *Report of an alleged incident of harassment was not made*
10 *in good faith; or*

11 (b) *Violation of a policy on the conduct of pupils was*
12 *egregious, including, without limitation, a violation that poses a*
13 *risk to the health or safety of another person.*

14 4. *The board of trustees of each school district may require a*
15 *school within the school district to review any disciplinary action*
16 *taken against a complainant, reporting party or witness to*
17 *determine if there is any connection between the alleged incident*
18 *of harassment and the misconduct that led to the pupil being*
19 *disciplined.*

20 **Sec. 19.** Chapter 396 of NRS is hereby amended by adding
21 thereto the provisions set forth as sections 20 to 30, inclusive, of this
22 act.

23 **Sec. 20.** 1. *“Authorized person” means a person authorized*
24 *by an institution within the System to provide an aid, benefit,*
25 *service or opportunity through an education program or activity of*
26 *the institution.*

27 2. *The term includes, without limitation, a:*

28 (a) *Vendor;*

29 (b) *Contractor;*

30 (c) *Volunteer; or*

31 (d) *Guest speaker.*

32 **Sec. 21.** *“Civil rights coordinator” means a person who*
33 *serves as a Title IX coordinator, Title VI coordinator or a section*
34 *504 coordinator at an institution within the System.*

35 **Sec. 22.** *“Harassment” means:*

36 1. *Conduct that, on the basis of an actual or perceived*
37 *protected characteristic of a person or his or her association with*
38 *an actual or perceived protected characteristic of another person,*
39 *whether direct or indirect, verbal or nonverbal or in person or by*
40 *virtual or electronic means, negatively affects the ability of the*
41 *person to participate in or receive an aid, benefit, service or*
42 *opportunity from an education program or activity of an*
43 *institution within the System, including, without limitation, by*
44 *creating an intimidating, hostile or abusive educational or work*
45 *environment;*



1 2. *Sexual harassment; or*

2 3. *An incident of power-based violence.*

3 **Sec. 23.** *“Protected characteristic” means the race, color,*
4 *religion, ancestry, national origin, physical or mental disability,*
5 *familial status, sex, sexual orientation or gender identity or*
6 *expression of a person.*

7 **Sec. 24.** *“Section 504 coordinator” means an employee who*
8 *is designated by the institution to coordinate compliance by the*
9 *institution with section 504 of the Rehabilitation Act of 1973, 29*
10 *U.S.C. § 794.*

11 **Sec. 25.** *“Title VI coordinator” means a person designated*
12 *by an institution within the System to coordinate compliance by the*
13 *institution with Title VI of the Civil Rights Act of 1964, 42*
14 *U.S.C. §§ 2000d et seq.*

15 **Sec. 26.** *“Title IX coordinator” means a person designated*
16 *by an institution within the System to:*

17 1. *Oversee compliance by the institution with the provisions*
18 *of Title IX of the Education Amendments Act of 1972, 20 U.S.C.*
19 *§§ 1681 et seq.;*

20 2. *Receive notice of instances of discrimination on the basis*
21 *of sex within the institution;*

22 3. *Contact a complainant about supportive measures and*
23 *options for reporting grievances; and*

24 4. *Oversee the grievance process set forth by the institution.*

25 **Sec. 27.** *Except as otherwise provided in section 29 of this*
26 *act, an institution within the System is civilly liable if, regardless*
27 *of where an incident of harassment occurs:*

28 1. *An agent, employee or authorized person of the institution*
29 *engages in harassment against a person who participates in or*
30 *receives an aid, benefit, service or opportunity from an education*
31 *program or activity of the institution, or who attempts to*
32 *participate in or receive any aid, benefit, service or opportunity*
33 *from such a program or activity, if:*

34 (a) *The incident of harassment is enabled or assisted by the*
35 *authority exercised as an agent, employee or authorized person of*
36 *the institution; or*

37 (b) *The institution receives notice of the harassment.*

38 2. *A person who is not an agent, employee or authorized*
39 *person of the institution engages in harassment against a person*
40 *who participates in or receives an aid, benefit, service or*
41 *opportunity from an education program or activity of the*
42 *institution, or who attempts to participate in or receive any aid,*
43 *benefit, service or opportunity from such a program or activity, if*
44 *the institution receives notice of the harassment.*



1 **Sec. 28.** *An institution within the System receives notice of*
2 *harassment if an agent, employee or authorized person knew or, in*
3 *the exercise of reasonable care, should have known, about the*
4 *harassment, and:*

5 1. *The agent, employee or authorized person:*

6 (a) *Has the authority to take action to address the harassment;*

7 (b) *Has the responsibility to report harassment or similar*
8 *misconduct to an administrator or supervisor employed by the*
9 *institution; or*

10 (c) *Receives a report of harassment from a person who*
11 *reasonably believes that the agent, employee or authorized person*
12 *holds the authority or responsibility described in paragraph (a) or*
13 *(b), as applicable; and*

14 2. *The agent, employee or authorized person was not*
15 *prevented from taking action or reporting the harassment by any*
16 *privilege which exists at common law, by statute or otherwise.*

17 **Sec. 29.** 1. *An institution within the System is immune*
18 *from civil liability pursuant to section 27 of this act if the*
19 *institution demonstrates that it exercised reasonable care to*
20 *prevent the harassment and promptly remedy the effects of the*
21 *harassment, including, without limitation, through a*
22 *demonstration by the institution that it:*

23 (a) *Established, adequately published and enforced, as*
24 *applicable:*

25 (1) *A comprehensive policy to prevent harassment;*

26 (2) *An annual training session concerning harassment that*
27 *is given to all students and employees; and*

28 (3) *A harassment complaint procedure that is likely to*
29 *provide a redress of grievances and avoid harm to the complainant*
30 *without exposing him or her to unreasonable risk, effort or*
31 *expense;*

32 (b) *Within 3 school days after receiving notice of an incident*
33 *of harassment, provided supportive measures to preserve and*
34 *restore access to the education program or activity of the*
35 *institution for the complainant, regardless of whether the*
36 *complainant requests an investigation pursuant to NRS 396.155;*

37 (c) *If requested by a complainant, or his or her parent or legal*
38 *guardian if he or she is a minor, or otherwise necessary to protect*
39 *the complainant or other persons in the education program or*
40 *activity from a significant ongoing threat of harm, undertook a*
41 *prompt, thorough and impartial investigation of the incident of*
42 *harassment; and*

43 (d) *Took other necessary, prompt and appropriate corrective*
44 *action designed to stop the harassment, prevent its recurrence and*
45 *remedy its effects.*



1 2. To assert an affirmative defense pursuant to this section,
2 an institution within the System must establish that it acted with
3 reasonable care as required by paragraphs (a) to (d), inclusive, of
4 subsection 1, even if additional incidents of harassment did not
5 occur after the institution first received notice of the harassment.

6 **Sec. 30. 1.** Each institution within the System may
7 designate at least one employee to serve as the confidential
8 employee for the institution. A confidential employee designated
9 pursuant to this section is not required to report instances of
10 harassment to a civil rights coordinator. When an incident of
11 harassment is disclosed by a student who is less than 18 years
12 of age and does not rise to the level of child abuse, a confidential
13 employee is not required to report the incident to law enforcement.

14 2. A confidential employee must inform a person who
15 discloses allegations of harassment:

16 (a) How to report the allegations of harassment to a civil rights
17 coordinator;

18 (b) How a civil rights coordinator can assist the person who
19 disclosed the allegations of harassment; and

20 (c) That the confidential employee will not report the
21 allegations of harassment to a civil rights coordinator.

22 3. The Board of Regents may direct the civil rights
23 coordinator, or his or her designee, at each institution within the
24 System to, upon receiving notice of allegations of harassment,
25 notify the complainant, in an accessible manner, in writing or
26 orally, about resources and services available to the complainant
27 to ensure his or her access to education programs or activities,
28 including, without limitation:

29 (a) Supportive measures, including, without limitation:

30 (1) Adapting course schedules, assignments or
31 examinations;

32 (2) Issuing no-contact orders;

33 (3) Providing counseling services;

34 (4) Altering activities, housing assignments or employment;

35 (5) Adjusting grades or transcripts;

36 (6) Preserving eligibility for leadership positions,
37 scholarships and other education programs or activities,
38 regardless of requirements concerning attendance or grade point
39 averages;

40 (7) Providing services for being escorted around campus;
41 or

42 (8) Increasing monitoring or supervision at locations or
43 during activities where the incident of harassment is alleged to
44 have occurred;



1 (b) Information about community-based support services,
2 including, without limitation:

3 (1) Counseling services, mental health resources, substance
4 misuse resources and other health services;

5 (2) Legal advocates, housing advocates and advocates for
6 victims; and

7 (3) Any services provided as the result of an active
8 memorandum of understanding entered into pursuant to NRS
9 396.147; and

10 (c) Reasonable accommodations for complainants and
11 respondents with disabilities, including, without limitation, pre-
12 existing disabilities and disabilities arising from the harassment,
13 consistent with federal and state law, including, without
14 limitation:

15 (1) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.
16 § 794;

17 (2) The Americans with Disabilities Act of 1990, 42 U.S.C.
18 §§ 12101 et seq.; and

19 (3) The Individuals with Disabilities Education Act, 20
20 U.S.C. §§ 1400 et seq.

21 4. The Board of Regents may, for each institution within the
22 System:

23 (a) Require a civil rights coordinator, or his or her designee, to
24 review any disciplinary actions against a complainant, reporting
25 party or witness to ensure it does not discriminate against or
26 harass the person on the basis of a protected characteristic; and

27 (b) Address reports of retaliation against a complainant,
28 reporting party or witness, including, without limitation,
29 investigating or disciplining a person who engages in retaliation.

30 5. The Board of Regents may prohibit an institution within
31 the System from:

32 (a) Disciplining a complainant, reporting party or witness for a
33 report of harassment that is deemed false for which the institution
34 has decided that there is insufficient evidence for a finding of
35 responsibility or for which the respondent is found not responsible
36 for an incident of harassment;

37 (b) Disciplining a complainant, reporting party or witness for a
38 complaint of alleged misconduct that the institution knew or
39 should have known was filed by a respondent or other person for
40 the purpose of retaliation;

41 (c) Requiring a complainant, reporting party or witness to
42 leave an education program or activity of an institution because
43 the complainant reported an incident of harassment; or

44 (d) Requiring a complainant to enter a confidentiality
45 agreement as a prerequisite to obtaining supportive measures,



1 *participating in an investigation or informal resolution or*
2 *asserting any other rights under federal or state law or*
3 *disciplining a complainant, reporting party or witness for violating*
4 *a confidentiality agreement that is impermissible pursuant to this*
5 *paragraph, unless otherwise permitted by federal or state law.*

6 6. *As used in this section:*

7 (a) *“Child abuse” means physical injury of a nonaccidental*
8 *nature to a child less than 18 years of age.*

9 (b) *“Law enforcement” means an agency, office or bureau of*
10 *this State or a political subdivision of this State, the primary duty*
11 *of which is to enforce the law.*

12 **Sec. 31.** NRS 396.125 is hereby amended to read as follows:

13 396.125 As used in NRS 396.125 to 396.1595, inclusive, *and*
14 *sections 20 to 30, inclusive, of this act*, unless the context otherwise
15 requires, the words and terms defined in NRS 396.126 to 396.138,
16 inclusive, *and sections 20 to 26, inclusive, of this act* have the
17 meanings ascribed to them in those sections.

18 **Sec. 32.** NRS 396.126 is hereby amended to read as follows:

19 396.126 “Complainant” means a student or employee of an
20 institution within the System who is alleged to be the victim of
21 conduct that could constitute power-based violence ~~[]~~ *or*
22 *harassment.*

23 **Sec. 33.** NRS 396.131 is hereby amended to read as follows:

24 396.131 “Respondent” means a person who has been reported
25 to be the perpetrator of conduct that could constitute power-based
26 violence ~~[]~~ *or harassment.*

27 **Sec. 34.** NRS 396.133 is hereby amended to read as follows:

28 396.133 “Sexual harassment” means conduct on the basis of
29 sex, whether direct or indirect, implicit or explicit, verbal or
30 nonverbal or in person or via virtual or electronic means, that
31 ~~[satisfies one or more of the following:]~~ *takes the form of:*

32 1. ~~[Aⁿ]~~ *Conduct by an authorized person, agent or* employee
33 *of an institution within the System* ~~[conditioning]~~ *that implicitly or*
34 *explicitly conditions* the provision of an aid, benefit, ~~[or]~~ service ~~[of~~
35 ~~the]~~ *or opportunity through the education program or activity of*
36 *the* institution ~~[or the terms, conditions or privileges of the~~
37 ~~participation of a person in the education programs or activities of~~
38 ~~the institution]~~ on ~~[the]~~ a person’s participation in ~~[unwelcome]~~ *a*
39 *sexual* ~~[conduct, including,]~~ *act, regardless of whether the person*
40 *assents to or refuses to participate in the sexual act. Such conduct*
41 *includes*, without limitation:

42 (a) A sexual advance;

43 (b) A request for sexual favors; or

44 (c) Other conduct of a sexual nature.



2. Unwelcome sexual advances, requests for sexual favors and conduct of a sexual nature or evincing gender bias ~~[-~~

~~—(a) That, in the educational environment, is made a term or condition of a student’s academic status or, based on an objective standard, is sufficiently severe, persistent or pervasive that it interferes with, limits or effectively denies a student] that negatively affects the ability of a person to participate in or [benefit from the services, activities] receive an aid, benefit, service or [opportunities offered by] opportunity from an education program or activity of an institution within the System [-~~

~~—(b) Where, in the workplace, submission to or rejection of the sexual advances, requests for sexual favors or conduct is used as a basis for decisions or evaluations related to academics or employment or permission to participate in a service, activity or opportunity offered by an institution within the System or that, based on an objective standard, is sufficiently severe, persistent or pervasive that it creates an intimidating, hostile or abusive work environment which may or may not interfere with an employee’s job performance.] , including, without limitation, by creating an intimidating, hostile or abusive educational or work environment which may interfere with the academic or occupational performance of the person.~~

3. ~~[Sexual assault, dating] Power-based violence . [- domestic violence or stalking.]~~

Sec. 35. NRS 396.137 is hereby amended to read as follows:

396.137 “Supportive measures” has the meaning ascribed to it in 34 C.F.R. § ~~[106.30.] 106.2.~~

Sec. 36. NRS 396.1415 is hereby amended to read as follows:

396.1415 1. The Task Force on Power-Based Violence at Institutions of Higher Education created by NRS 396.141 shall:

(a) Review the results of any climate survey on ~~[power-based violence] harassment~~ administered at an institution within the System;

(b) Examine current procedures and protocols for preventing, intervening in or responding to instances of power-based violence that are used at institutions within the System;

(c) Identify possible gaps in the services that are available for victims of power-based violence at institutions within the System;

(d) Examine the correlation between social groups, campus life and the incidence of power-based violence on the campus of each institution within the System;

(e) Each year, hold a meeting open to the public to provide recommendations to the Board of Regents on how to address power-based violence at institutions within the System; and



1 (f) Not later than August 1 of each odd-numbered year, submit
2 to the Joint Interim Standing Committee on Education a written
3 report summarizing the findings of the Task Force, the data
4 collected from responses to any climate survey and any
5 recommendations regarding the prevention of, intervention in or
6 response to incidences of power-based violence occurring at
7 institutions within the System.

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

10 **Sec. 37.** NRS 396.142 is hereby amended to read as follows:

11 396.142 1. To the extent that money is available, the Board
12 of Regents may appoint researchers employed at one or more
13 institutions within the System to develop a climate survey on
14 ~~power-based violence~~ **harassment** designed to be administered at
15 institutions within the System. The climate survey on ~~power-based~~
16 ~~violence~~ **harassment** must:

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

19 (b) Be fair and unbiased;

20 (c) Be scientifically valid and reliable; and

21 (d) Meet the highest standards of survey research.

22 2. If appointed to develop a climate survey on ~~power-based~~
23 ~~violence,~~ **harassment**, the researchers shall:

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

25 (b) Consult with persons with expertise in the development and
26 use of climate surveys on ~~power-based violence~~ **harassment** at
27 institutions of higher education;

28 (c) Consult with a student government association;

29 (d) Review climate surveys on ~~power-based violence~~
30 **harassment** which have been developed and implemented by
31 institutions of higher education, including, without limitation,
32 institutions in other states;

33 (e) Provide opportunity for written comment from organizations
34 that assist victims of ~~power-based violence~~ **harassment** to ensure
35 the adequacy and appropriateness of any proposed content of the
36 climate survey on ~~power-based violence;~~ **harassment**;

37 (f) Consult with institutions within the System on strategies for
38 optimizing the effectiveness of the climate survey on ~~power-based~~
39 ~~violence;~~ **harassment**; and

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

42 3. If a climate survey on ~~power-based violence~~ **harassment** is
43 developed, the climate survey must request information on topics
44 related to ~~power-based violence.~~ **harassment**. The topics may
45 include, without limitation:



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

5 (b) When and where an alleged incident of ~~power-based~~
6 ~~violence;~~ *harassment* occurred;

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

11 (d) Awareness of a student of the policies and procedures related
12 to ~~power-based-violence;~~ *harassment* at an institution;

13 (e) Whether a student reported an alleged incident of ~~power-~~
14 ~~based-violence;~~ *harassment* and:

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

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

19 (f) Whether a student who reported an alleged incident of
20 ~~power-based-violence;~~ *harassment* was:

21 (1) Offered supportive measures by an institution;

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

25 (3) Informed of the prohibition against retaliation for
26 reporting an alleged incident of ~~power-based-violence;~~
27 *harassment*;

28 (g) Contextual factors in an alleged incident of ~~power-based~~
29 ~~violence;~~ *harassment*, such as the involvement of force,
30 incapacitation or coercion;

31 (h) Demographic information that could be used to identify at-
32 risk groups, including, without limitation, the gender, race,
33 ethnicity, national origin, economic status, disability, gender identity
34 or expression, immigration status and sexual orientation of the
35 student taking the climate survey on ~~power-based-violence;~~
36 *harassment*;

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

38 (j) Whether a student has confidence in the ability of the
39 institution to protect against and respond to alleged incidents of
40 ~~power-based-violence;~~ *harassment*;

41 (k) Whether a student chose to withdraw or take a leave of
42 absence from the institution or transfer to another institution because
43 the student is the complainant or respondent in an alleged incident
44 of ~~power-based-violence;~~ *harassment*;



1 (l) Whether a student withdrew from any classes or was placed
2 on academic probation, disciplinary probation or otherwise
3 disciplined as a result of an alleged incident of ~~power-based~~
4 ~~violence;~~ *harassment*;

5 (m) Whether a student experienced any financial impact as a
6 result of an alleged incident of ~~power-based violence;~~ *harassment*;

7 (n) Whether a student experienced any negative health impacts
8 as a result of an alleged incident of ~~power-based violence;~~
9 *harassment*, including, without limitation, post-traumatic stress
10 disorder, anxiety, depression, chronic pain or an eating disorder;

11 (o) The perception of the participants in the survey of the
12 attitudes of the community toward ~~power-based violence;~~
13 *harassment*, including, without limitation, the willingness of a
14 person to intervene in an ongoing incident of ~~power-based~~
15 ~~violence~~ *harassment* as a bystander; and

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

18 4. The climate survey on ~~power-based violence~~ *harassment*
19 must provide an option for students to decline to answer a question.

20 5. The climate survey on ~~power-based violence~~ *harassment*
21 must be provided to the Task Force on Power-Based Violence at
22 Institutions of Higher Education created pursuant to NRS 396.141
23 for comment.

24 **Sec. 38.** NRS 396.1425 is hereby amended to read as follows:

25 396.1425 1. To the extent that money is available, the Board
26 of Regents may require each institution within the System to
27 conduct a climate survey on ~~power-based violence~~ *harassment* at
28 the institution biennially.

29 2. A climate survey on ~~power-based violence~~ *harassment*
30 conducted pursuant to subsection 1 must include the questions
31 developed by researchers employed at an institution within the
32 System pursuant to NRS 396.142. If an institution within the System
33 includes additional questions on a climate survey on ~~power-based~~
34 ~~violence~~ *harassment* pursuant to subsection 1, the questions must
35 not be unnecessarily traumatizing for a victim of an alleged incident
36 of ~~power-based violence.~~ *harassment*.

37 3. If an institution within the System conducts a climate survey
38 on ~~power-based violence~~ *harassment* pursuant to subsection 1, the
39 institution shall:

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

42 (b) Not require the disclosure of personally identifiable
43 information by a participant in the climate survey on ~~power-based~~
44 ~~violence;~~ *harassment*;



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

4 (d) Within 120 days after completion of the climate survey on
5 ~~power-based violence~~ **harassment**;

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

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

9 (e) Post on the Internet website maintained by the institution in a
10 manner that does not disclose personally identifiable information of
11 any person, the summary of the responses to the climate survey on
12 ~~power-based violence~~ **harassment**.

13 4. A climate survey on ~~power-based violence~~ **harassment**
14 must be administered electronically by an institution within the
15 System and provide reasonable accommodations for students with a
16 disability.

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

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

24 7. Any data or reports that underlie the summaries generated
25 pursuant to subsection 3 are confidential and are not a public record
26 for the purposes of chapter 239 of NRS.

27 **Sec. 39.** NRS 396.143 is hereby amended to read as follows:

28 396.143 1. If the Board of Regents requires an institution
29 within the System to conduct a climate survey on ~~power-based~~
30 ~~violence~~ **harassment** pursuant to NRS 396.1425, the Board of
31 Regents shall to the extent that money is available:

32 (a) Provide a copy of the questions developed by the researchers
33 employed at an institution within the System pursuant to NRS
34 396.142 to each institution within a reasonable time after the Board
35 of Regents receives the questions from the researchers;

36 (b) Establish a repository for the summaries of the climate
37 survey on ~~power-based violence~~ **harassment** submitted by each
38 institution pursuant to NRS 396.1425;

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



1 (d) Adopt a policy on the dissemination, collection and
2 summation of the responses to the climate survey on ~~power-based~~
3 ~~violence;~~ *harassment*; and

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

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

12 **Sec. 40.** NRS 396.151 is hereby amended to read as follows:

13 396.151 1. The Board of Regents may prohibit an institution
14 within the System from subjecting a complainant, reporting party or
15 witness who reports an alleged incident of ~~power-based violence~~
16 *harassment* to a disciplinary proceeding or sanction for a violation
17 of a policy on student conduct related to drug or alcohol use,
18 trespassing or unauthorized entry of school facilities or other
19 violation of a policy of an institution that occurred during or related
20 to an alleged incident of ~~power-based violence~~ *harassment* unless
21 the institution determines that the:

22 (a) Report of an alleged incident of ~~power-based violence~~
23 *harassment* was not made in good faith; or

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

27 2. The Board of Regents may require an institution within the
28 System to review any disciplinary action taken against a reporting
29 party or witness to determine if there is any connection between the
30 alleged incident of ~~power-based violence~~ *harassment* that was
31 reported and the misconduct that led to the reporting party or
32 witness being disciplined.

33 **Sec. 41.** NRS 396.1595 is hereby amended to read as follows:

34 396.1595 The Board of Regents may adopt regulations as
35 necessary to carry out the provisions of NRS 396.125 to 396.1595,
36 inclusive ~~[-]~~, *and sections 20 to 31, inclusive, of this act.*

37 **Sec. 42.** This act becomes effective on July 1, 2025.

