

Minutes are intended to note: (a) the date, time, and place of the meeting; (b) those members of the public body who were present and those who were absent; and (c) the substance of all matters proposed, discussed and/or action was taken on. Minutes are not intended to be a verbatim report of a meeting. An audio recording of the meeting is available for inspection by any member of the public interested in a verbatim report of the meeting. These minutes are not final until approved by the Task Force at a future meeting.

MINUTES

NEVADA SYSTEM OF HIGHER EDUCATION TASK FORCE ON POWER-BASED VIOLENCE

NSHE System Administration Office Building
4300 South Maryland Parkway
Las Vegas, Nevada 89119

and

NSHE System Administration Office Building
2601 Enterprise Road
Reno, Nevada 89512

Monday, March 3, 2025

Members Present: Dr. Elizabeth Gunn, Chair (Las Vegas)
Dr. Tabor Griswold, Vice Chair (Reno)
Dr. Kavita Batra (Zoom)
Dr. Stefanie Coleman (Zoom)
Mr. Jordan Fischette (Zoom)
Ms. Erin Frock (Reno)
Ms. Christina Hall (Zoom)
Ms. Lynda King, NSHE Chief Counsel Designee (Las Vegas)
Mr. José Melendrez (Zoom)
Dr. Alison Netski (Zoom)
Ms. Michelle Sposito (Zoom)
Ms. Lindsey Wolterbeek (Zoom)

Members Absent: Ms. Lisha Allison
Ms. Patricia Charlton, NSHE Interim Chancellor
Mr. Shaun Mabanta

Others Present: Dr. Daniel Archer, NSHE Vice Chancellor, Academic and Student Affairs, designee for Chancellor Charlton (Las Vegas)
Ms. Renée Davis, Associate Vice Chancellor, Academic and Student Affairs (Reno)
Ms. Donna Healy, Assistant to the Vice Chancellor, Academic and Student Affairs (Reno)
Mr. Chris Nielsen, NSHE Task Force Counsel (Reno)

Mr. Armen Asherian, Director, Office of Institutional Equity, College of Southern Nevada (Las Vegas)
Ms. Elizabeth Callahan, NSHE Public Information Officer (Las Vegas)

Dr. Elizabeth Gunn, Chair of the Power-Based Violence Task Force, welcomed all members of the Task Force to the quarterly meeting which was called to order at 9:04 a.m. with a quorum present.

1. Public Comment

- There was no public comment.

2. Chair's Report

Chair Gunn noted that she is looking forward to welcoming a new member to fill the task force student vacancy; she also noted that since the last meeting, she met with the following individuals:

- Serena Evans, Director, Nevada Coalition to End Domestic Violence: they reviewed ongoing discussions with legislators regarding the [Nevada Safer Communities Act](#).
- Kelly Scherado, NSHE's Interim Director of Human Resources: they discussed interactions between Title IX and the task force's work.
- Chris Nielsen, NSHE's Special Counsel to the Board of Regents and Renée Davis, NSHE Associate Vice Chancellor for Academic and Student Affairs: they hold ongoing conversations regarding the work of the task force.
- [UNR Survey Center](#) staff: they have ongoing conversations regarding additional survey data.

3. Minutes

- The Power-Based Violence Task Force approved the minutes from its November 7, 2024 meeting. ([Ref.3](#) - *Power-Based Violence Task Force meeting minutes, November 7, 2024*)

Jose Melendrez moved approval of the November 6, 2024 meeting minutes. Lynda King seconded. Motion carried unanimously.

4. Title IX Update

Kelly Scherado, Interim Human Resources Director, NSHE, shared information regarding changes to Title IX regulations that became effective on August 1, 2024.

- Interim Director Scherado expressed gratitude for the support of Chancellor Charlton, Lynda King, and the NSHE Title IX Workgroup, which consists of Title IX leaders from all eight institutions that meet weekly to discuss updates to Title IX guidance and processes, review case studies, and discuss updates to NSHE policy and a number of other

- Title IX topics to ensure NSHE and the institutions we serve are receiving the best response and leadership in this space.
- For those who may be less familiar, Title IX is a federal law passed in 1972 to prevent discrimination on the basis of sex in education programs and activities that receive federal funding. It is well-known for its impact on gender equity in athletics, but it also addresses sexual harassment, assault, and other forms of gender-based discrimination in education settings.
 - Title IX requires educational institutions to take appropriate steps to prevent and respond to incidents of sexual harassment and gender discrimination. It is integral in ensuring a safe and inclusive environment for all students and employees.
 - In 2020, the changes to Title IX policy were significant, particularly regarding how sexual harassment and assault cases are handled in schools. Some of the main changes include:
 - **Narrower Definition of Sexual Harassment:** The revised regulations defined sexual harassment more narrowly, focusing on unwelcome conduct that is "so severe, pervasive, and objectively offensive" that it denies a person access to educational programs or activities.
 - **Live Hearings and Cross-Examination:** The new rules mandated that schools conduct live hearings for Title IX complaints, with an opportunity for cross-examination of witnesses. This change was intended to give both parties an opportunity to challenge the evidence and testimony presented.
 - **Limited Scope of Title IX:** The rules required that Title IX applies only to incidents that occur within the school's education program or activities, limiting schools' responsibility for incidents occurring off-campus or outside their control.
 - **Due Process Protections for the Accused:** Schools were required to give more rights to the accused, including notice of allegations, the ability to access evidence before a decision, and the right to an advisor during the hearings. The standard of evidence for determining guilt was also adjusted to the "clear and convincing" standard in some cases.
 - **Mandatory Reporting Requirements:** Schools were required to designate a Title IX coordinator to oversee the process, and all employees who are not considered confidential resources must report incidents of sexual harassment.
 - **Supportive Measures:** Schools were required to offer supportive measures to both the complainant and the respondent, even if a formal complaint was not filed. These measures could include academic accommodation or changes in housing or work assignments.
 - **Dismissal of Complaints:** The regulations outlined when schools must dismiss a Title IX complaint (e.g., if the alleged conduct does

- not meet the definition of sexual harassment under Title IX or occurred outside of the school's jurisdiction).
- **Grievance Procedures:** The rules set forth detailed grievance procedures that schools must follow, including the requirement to provide written notice of the allegations and the right for both parties to appeal decisions made by the institution.
 - These changes were designed to enhance fairness for both complainants and respondents but sparked controversy over concerns that they could deter students from reporting sexual harassment and assault.
 - In April 2024, the Biden administration issued final regulations amending Title IX, the federal law prohibiting sex-based discrimination in education. These changes, effective August 1, 2024, introduced several key modifications, including:
 - **Expanded Definition of Sex Discrimination:** The regulations now explicitly prohibit discrimination based on sexual orientation, gender identity, and sex characteristics, broadening the scope of protections under Title IX.
 - **Clarification of Sexual Harassment:** The definition of sexual harassment was updated to encompass a wider range of behaviors, ensuring that more incidents are addressed under Title IX.
 - **Protections for Pregnant and Parenting Students:** The regulations reaffirmed and strengthened protections for students who are pregnant or parenting, ensuring they have equal access to educational opportunities.
 - **Jurisdictional Expansion:** Title IX's jurisdiction was extended to cover incidents occurring off-campus and internationally, provided they are part of the school's education program or activity.
 - **Training and Policy Updates:** Schools are now required to update their policies and provide staff training to comply with the new regulations, ensuring a consistent and informed approach to handling discrimination and harassment cases.
 - In 2025 changes in federal administration brought rescission of the 2024 regulations and reimplementing of the 2020 regulations.
 - On January 31, 2025, the Board of Regents (BOR) approved policy revisions to Title 4, Chapter 8, Section 14 to bring NSHE's Unlawful Discrimination and Sexual Harassment policy and Complaint Procedures into compliance with the U.S. Department of Education's 2020 Title IX Regulations resulting from the vacatur of the 2024 Title IX regulations.
 - At the same time, the Board approved conforming revisions to Title 2, Chapters 6 and 10 of the Code, pertaining to Rules and Disciplinary Procedures for Faculty Except DRI and Rules and Disciplinary Procedures for Students, respectively, on a temporary

and emergency 120-day basis pursuant to Title 2, Chapter 1, Section 1.3.3(b).

- At the March 6-7, 2025 BOR quarterly meeting, the Code amendments will be considered for permanent codification pursuant to Title 2, Chapter 1, Section 1.3.3(a), which provides that “[a]t least 30 calendar days before consideration by the Board, proposed amendments shall be circulated to the Chancellor, each System institution President and each senate for review and comment.”
 - The changes to the Code amendments will align with the revisions to the NSHE policy and complaint procedures which incorporate the 2020 Title IX regulations which provides that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
- Many or most of the NSHE institutions’ Title IX leaders and coordinators have attended training on the 2020 regulations and more recently attended the ATIXA - Association of Title IX Administrators: Advocacy & Support which specifically focused on the recent changes.
- Interim Director Scherado noted that NSHE will continue to do the necessary work to create more inclusive and equitable environments across its campuses.
 - While the regulatory landscape is shifting, NSHE’s commitment to fostering an environment free of discrimination and harassment remains steadfast; we must continue to work together to ensure that every individual in our community is treated with dignity and respect.

Discussion

- Chair Gunn asked how NSHE’s Title IX coordinators at institutions interact with each other.
 - The Title IX work group meets weekly to discuss everything related to Title IX and some Title VI issues, including what cases have been presented, complexities and engagement with human resources, legal, compliance, and ensuring that complainants and respondents rights are protected.
- Mr. Armen Asherian, Director, Office of Institutional Equity, College of Southern Nevada (CSN), shared that the Title IX work group interactions are both formal and informal; they try to figure out what the needs are, what is working and what is not working, and what they would like to see changed in the future.
 - There is no one case that follows a standard pattern; the group discusses nuances based on unit structures and provides collaboration and support for each other.
 - This work cannot be done in a vacuum.
- Interim Director Scherado noted that the work group strives to achieve consistent system-wide application of policies and processes.

- Ms. Lindsey Wolterbeek, task force member (and student), asked how students are informed about changes to processes.
 - Interim Director Scherado noted that the first commitment from the work group was to ensure that institution presidents were sending official campus-wide email communications.
 - There is also an expectation that campuses will update their websites and that any complainants are notified of process updates.
 - Director Asherian shared that each institution makes training available to students.

5. Overview of Statutory Requirements of the Task Force on Power-Based Violence at Institutions of Higher Education

- Dr. Elizabeth Gunn, Chair, lead members in a collaborative discussion of the make-up and duties of the Task Force on Power-Based Violence at Institutions of Higher Education, including a discussion on the requirements for administration of a power-based violence survey pursuant to Chapter 396 of the Nevada Revised Statutes (NRS 396.115 – NRS 396.1595). ([Ref. PBVTF-5](#))
- Chair Gunn noted that in previous meetings discussions had occurred regarding the topic, and shared that that this agenda item involved taking a deeper look at the statute and the need to align the task force's work explicitly and accordingly; several of the task force members shared their findings in slide presentations.

Discussion

- Ms. Lynda King, NSHE Senior Associate General Counsel, noted the Nevada Student Alliance (NSA) would be voting at their next meeting on the approval of the student member of this task force.
- Ms. Lindsey Wolterbeek asked for clarification regarding when and to whom the climate survey was sent; she heard that it was sent in February, 2025 and that she and some other students did not receive it in their school email accounts and noted that it may affect the survey results.
 - Ms. Lynda King responded that the email with the task force climate survey was sent in fall, 2023 and noted that Dr. Tabor Griswold may be reaching out to Ms. Wolterbeek to discuss and utilize technology to determine what happened.
 - It is possible that separate institutional surveys may have also been sent; the UNR Title IX office may be able to provide clarification regarding any surveys sent to UNR students.
- Chair Gunn thanked the committee members for their time in preparing and presenting their findings; the information could help situate and direct future task force meetings.

- There are several components in the statute; one is regarding policy review, which could inform how we evaluate our programs, Title IX and equal employment rules and regulations, and exploring community partnerships to address gaps as identified.
- Chair Gunn recommended moving forward with policy analysis which will inform subsidiary components, including programming and partnerships.
- Ms. Lynda King noted that she likes the idea of the task force moving forward regarding policy; as a first step, the task force could explore whether current policy addresses awareness, prevention, handling of complaints, and remedying conduct (components of power-based violence as defined under Nevada State Law) and to what extent they are being addressed at our institutions.
 - We may find that although though the words “power-based violence” are not included, existing policy may already address the components.
- Ms. Christina Hall asked if the task force needs to discuss recent events on the federal level and how they impact policy.
 - We need to move forward with this important work, but we also need to discuss how the administration affects this work.
 - Chair Gunn noted that we rely on consulting with NSHE counsel to answer those questions.

6. New Business

- Ms. Lynda King requested that the task force look at policy and evaluate whether new policies need to be created or if our current unlawful discrimination and harassment policies sufficiently encompass power-based violence as defined by state law.
- Ms. Christina Hall proposed that the task force discuss how current federal policies and regulations impact the work of the task force around DEI efforts and our policies and procedures for addressing power-based violence, particularly around the provision of providing campus advocates and for prevention education and awareness curriculum.
 - Some NSHE organizations and internal departments are grant-funded and their funding may be threatened; the task force could discuss the potential funding impact and how that could affect campuses.
 - Ms. Lynda King noted that it is important for the task force to understand that while Ms. Hall’s points are incredibly important, particularly with respect to grant funding, that this work deals with discrimination and harassment.
 - Federal and state laws regarding discrimination and harassment have not changed.

- Vice Chair Griswold requested the creation of a calendar for revisions to the survey and its projected implementation; the administration of the survey was complex and it would be helpful to have more planning of the next survey process.
- Chair Gunn gave a recap of new business items:
 - Review of existing policy to identify whether the task force for may or may not need to recommend additional policy or if current policy covers what the task force may document to the BOR.
 - Discussion of the impact of recent executive orders that impact grant funding that funds some of the advocacy work across institutions.
 - Consideration of a calendar for a subsequent survey and additional data analysis of the original survey.

7. Public Comment

- There was no public comment.

The meeting was adjourned at 10:35 a.m.