

Task Force on Power-Based Violence at Institutions of Higher Education

Review of Nevada Revised Statute 396.125

February 6, 2025



Dr. Tabor Griswold, Program Director, Health Workforce Research, University of Nevada, Reno and Task Force Vice Chair

NRS 396.141 - Task Force

16 members comprise the Task Force:

- One each from system institutions:
 - Chancellor or designee, Chief General Counsel of the system or designee, 14 representatives from the state college, community college, university, Title IX Coordinator, selected institutional organizations, and selected professional skills.
- Selected institutional organizations and professional skills:
 - Two students appointed with consultation with the Nevada Student Alliance, one researcher with survey experience, one researcher with data science experience in higher education, one medical professional from a system medical school, two victim advocates, one student with victim experience of power-based violence, one person representing the Greek association, and one person from student affairs.
- Members serve a two year term and may be appointed to one additional two-year term.
- Current vacancies are one student from the Nevada Student Alliance organization
- Meetings are quarterly and a majority of members constitute a quorum.
 - Members serve without compensation as attendance is considered part of the regular work duties. Travel expenses and per diem allowance may be reimbursed for meeting attendance if funds are available.

Statute Language	Implementation Status
<ul style="list-style-type: none">● Review the results of any climate survey on power-based violence administered at an institution within the System;	<ul style="list-style-type: none">● Reviewed results in 2024
<ul style="list-style-type: none">● 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;	<ul style="list-style-type: none">● Reviewed current processes the following meetings: March 26, 2024, and June 27, 2024 with further discussion at the September 24, 2024 meeting
<ul style="list-style-type: none">● Identify possible gaps in the services that are available for victims of power-based violence at institutions within the System;	<ul style="list-style-type: none">● In process; needs further discussion, evaluation, refinement
<ul style="list-style-type: none">● Examine the correlation between social groups, campus life and the incidence of power-based violence on the campus of each institution within the System;	<ul style="list-style-type: none">● Additional survey results forthcoming from UNR
<ul style="list-style-type: none">● 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	<ul style="list-style-type: none">● Accomplished and in continual process
<ul style="list-style-type: none">● Not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education a written report summarizing the findings of the Task Force, the data collected from responses to any climate survey and any recommendations regarding the prevention of, intervention in or response to incidences of power-based violence occurring at institutions within the System.	<ul style="list-style-type: none">● Accomplished on June 10, 2024 and in continual process

NRS 396.142 Climate survey on power-based violence; Development; Contents; provision to Task Force on Power-based Violence at Institutions of Higher Education

Statute Language	Implementation Status
<ul style="list-style-type: none">● If money is available, BOR may appoint researchers employed within NSHE to develop a climate survey on power-based violence designed to be administered at NSHE institutions.	<ul style="list-style-type: none">● Through the Task Force, a survey instrument was designed by researchers within NSHE and brought to BOR in June 2023.
<ul style="list-style-type: none">● Mandatory survey standards.	
<ul style="list-style-type: none">● Mandatory researcher requirements/tasks.	
<ul style="list-style-type: none">● Mandatory survey topics.	
<ul style="list-style-type: none">● Must have option for students to decline to answer a question.	
<ul style="list-style-type: none">● Must be provided to Task Force for comment.	<ul style="list-style-type: none">● The survey was presented to the Task Force on Sexual Misconduct (predecessor Task Force) for review in March 2023.

Ms. Lynda King, Senior Associate General Counsel, NSHE

NRS 396.1425 *Climate Survey on power-based violence; Biennial administration; contents; waiver*

Statute Language	Implementation Status
<ul style="list-style-type: none">● If money is available, the Board of Regents may require an NSHE institution to conduct a climate survey on PBV biennially.	<ul style="list-style-type: none">● Task Force administered its survey at all NSHE institutions in Fall 2023.
<ul style="list-style-type: none">● Survey must include questions developed by researchers. Additional questions permissible, but must not be unnecessarily traumatizing for a victim of alleged PBV.	<ul style="list-style-type: none">● Survey was modified to incorporate power-based violence after passage of AB245, but not additional questions.
<ul style="list-style-type: none">● Institution administering survey has requirements (all students, protect PII, compile summary and submit to BOR).	
<ul style="list-style-type: none">● Survey must be electronically administered and provide accommodations.	
<ul style="list-style-type: none">● Data or reports that underline these reports are confidential and are not public records under Nevada law.	
<ul style="list-style-type: none">● Institution may obtain a waiver from the BOR to not administer survey based on financial circumstances.	

Ms. Lynda King, Senior Associate General Counsel, NSHE

NRS 396.143 *Climate Survey on power-based violence; duties of Board of Regents*

Statute Language	Implementation Status
<ul style="list-style-type: none">• If the Board of Regents requests an NSHE institution to conduct a climate survey on PBV, if money is available, the BOR shall take certain actions	<ul style="list-style-type: none">• Summary provided to BOR.• Summary posted to website and archived at NSHE Power-Based Violence Task Force – NSHE System Administration• Summary will be provided to Legislature by 2/1/2025
<ul style="list-style-type: none">• Data or reports that underline these reports are confidential and are not public records under Nevada law.	

Ms. Lynda King, Senior Associate General Counsel, NSHE

NRS 396.159 Annual Report

Statute Language	Implementation Status
<ul style="list-style-type: none">The Board of Regents may require an institution to prepare and submit an annual report that includes various data points regarding incidents of power-based violence, which data must be able to be disaggregated by students and employees.	<ul style="list-style-type: none">The Board of Regents has not required annual reporting under this statute.
<ul style="list-style-type: none">If required, reports are due not later than October 1 each year.	
<ul style="list-style-type: none">If reports are required and submitted, then Board of Regents shall, by December 31 of each year, submit a compilation of reports for transmittal to the Legislature.	
<ul style="list-style-type: none">Data or reports that underline these reports are confidential and are not public records under Nevada law.	

Ms. Erin Frock, Counselor, Truckee Meadows Community College

NRS 396. 144 - Requirements relating to the grievance process.

In summary, this provision sets requirements for training, transparency, timely communication, and confidentiality in handling grievance processes.

1. The Board of Regents may require that anyone involved in the grievance process (like those handling complaints, ex: Title IX team) must take yearly training on power-based violence. This also includes any additional training required by law. The Title IX team at TMCC regularly takes training to stay up to date on new regulations and current best practices.
2. Both the person making the complaint (complainant) and the person the complaint is about (respondent) must be given the institution's rules on how evidence will be handled during the grievance process. For example, each party will have an equal opportunity to present evidence and witnesses to the Title IX investigator handling the complaint. In addition, the investigator must remain a neutral third party, gathering evidence from all parties without bias, ensuring a fair and balanced process.
3. After the grievance process has concluded, the institution must tell both the complainant and respondent the result within 14 business days, unless federal law says otherwise.
4. The institution should not reveal the identities of the complainant or respondent to the public, unless superseded by federal law. Their identities will be protected throughout the process.

** Because federal law also comes into play with Title IX, federal law may override NRS Statute when necessary.

Mr. José Meléndrez, Interim Vice President for Diversity Initiatives and Chief Diversity Officer, University of Nevada, Las Vegas

NRS 396.145 Contents;opportunities for comment, public availability

1. BOR can/may require an institution within the System to adopt a policy on power-based violence consist with state and federal law
2. BOR requires adoption of a policy on power-based violence include:
 - a. Trauma informed response
 - b. Coordination with Title IX / memorandum of understanding must be pursuant to [NRS 393.147](#)
 - c. Engagement must account for cultural competence reflecting diverse needs
 - d. Input from internal and external entities may be considered
 - e. Allowance for public comment and availability of such policy

NRS 396.146 required provisions A policy on power-based violence adopted pursuant to [NRS 396.145](#) must include, without limitation, information on:

1. Reporting procedures in place
2. Supportive measure - process
3. Connection, collaboration, and access with local, state, federal law enforcement
4. Established procedures for the grievance process

Mr. Shaun Mabanta, Truckee Meadows Community College

Christina Hall, Interim Director, The Care Center, University of Nevada, Las Vegas

NRS 396.147: Memorandum of Understanding with organization that assist persons involved in power-based violence

- **Cooperation and Training On:** responsibilities of the organization to assist student victim-survivors, procedures for providing services to assist victim-survivors
- **Assist in Developing policies, programs, or training**
- **Provide Direct Services:** alternative for free and confidential counseling, advocacy, crisis services, access to forensic medical examinations, confidential services
- **Provide Prevention & Education Services:** for students and employees
- **Allowed to bill the institution for services rendered**

NRS 396.148: Designation of Advocate

- **Who Can Be an Advocate:** partner with a community anti-violence agency, partner with another institution who has an advocate (only if less than 1,000 students reside on-campus)
 - Must have experience and completed 20 hours of relevant training
 - Training includes: awareness and prevention, Title IX, PBV policies, trauma-informed care
- **Who Can't Be an Advocate:** Title IX, campus law enforcement, official who can initiate disciplinary proceedings
- Must provide virtual advocacy services if not able to have in-person advocacy

NRS 396.149: Duties and power of advocate; notice; conflict of interest

- Provide Resources and Information
- Notify of Rights/Notify of Supportive Measures available through disability services or Title IX (support in obtaining)
- Confidential/Not required to report (unless required, or without written consent)
- Not provide services to more than one party in grievance process
- Assist in Reporting/Attend Disciplinary proceeding
- *Disclosure does not constitute notice of an incident to the institution
- *Institution can't retaliate against advocate for advocating

Dr. Kavita Batra, Assistant Professor, Medical Research Biostatistician, University of Nevada, Las Vegas

NRS 396.151

Statue Language (Overview)

NRS 396.151 is designed to protect those who report power-based violence from facing unnecessary or punitive disciplinary actions related to minor violations, provided their report is made in good faith, and to ensure a fair review of any disciplinary actions in cases involving witnesses or reporting parties. The law aims to encourage reporting of such incidents without fear of unjust punishment.

	Section 1	Section 2
Main Focus	A school cannot punish someone who reports power-based violence for minor violations (like drug use or trespassing) unless the report isn't made in good faith or the violation is serious and threatens safety.	The Board of Regents can review disciplinary actions against reporters or witnesses to see if they're linked to the reported power-based violence.
Key Conditions	<ol style="list-style-type: none">1. The report was made in bad faith (not honest or sincere).2. The violation was serious and could harm someone's health or safety.	-
Purpose	Protect individuals who report power-based	Ensure disciplinary actions aren't unfairly applied due to retaliation or bias

Michelle Sposito, Director, Equal Employment & Title IX, University of Nevada, Las Vegas

NRS 396.152 Required training. The Board of Regents may require:

1. **Grievance process training:** Institutions may be required to train on the institution's grievance process per federal regulations (34 C.F.R. 106.45 "Grievance procedures for the prompt & equitable resolution of complaints of sex discrimination")
2. **Power-based violence training:** Training may be required for Title IX Coordinators and campus police/safety personnel on:
 - a. Awareness of power-based violence
 - b. Trauma-informed response to incidents of power-based violence

NRS 396.153 Programming on awareness and prevention of power-based violence. The Board of Regents may require awareness and prevention programs for all students and employees which covers the following topics:

- Consent and how it applies to sexual conduct with another person
- Impact of drugs/alcohol on consent
- Reporting options and confidentiality
- Grievance process and institutional policies on how it responds to a report of alleged power-based violence incident
- Range of sanctions for power-based violence
- Advocacy and intervention strategies
- Risk reduction strategies and additional programming opportunities

Requirements: **Students** must attend at least once within their first two semesters of enrollment & **Employees** must attend every 3 years. The training shall be coordinated with the Title IX Coordinator and may coordinate with law enforcement or advocacy organizations.

Programming may address unique student challenges based on identity factors (e.g. race, national origin, disability, etc)

Delivery methods: In-person, virtual, or integrated into courses

Instructor/professor requirements: May be required to include resource information in syllabi for individuals who have experienced power-based violence, including reporting, counseling, community-based organizations, available supportive measures, and grievance process details.

Mr. Jordan Fischette, Assistant Director, Fraternity and Sorority Life, University of Nevada, Las Vegas

NRS 396.154 - BOR may require an institution to determine responsibility using preponderance of the evidence.

Preponderance of the Evidence	More Likely Than Not (51%+)
Clear and Convincing Evidence	Highly Probable (70%)
Beyond a Reasonable Doubt	Almost Certain(95-99%)

NRS 396.155

If someone over 18 reports power-based violence at NSHE campus, BOR can ask the institution to keep their identity private or not take any formal action against the accused. However, the institution might not honor the request if laws require them to disclose information or take action. When deciding, the institution considers whether the accused might pose a risk of repeating harmful behavior.

Dr. Stefanie Coleman, Vice President of Student Affairs, Nevada State University

NRS 396.156

NRS 396.157

Investigation of incident of power-based violence; periodic updates; notice of findings; disciplinary action.

- NSHE must provide a similar communication process to both the complainant and the respondent. They must be notified at the same time regarding findings from the investigation and any updates.
- The complainant's sexual history is not introduced unless questions or evidence can demonstrate how consent was discussed or provide evidence of another person.
- Disciplinary action must follow the grievance process of the institution.

No-contact directive.

- A no-contact directive can be issued to prohibit the complainant and respondent from contacting each other. It may also include protecting the safety of the complainant and respondent as well as prohibiting interference with the investigation.
- If the respondent is found responsible, a no contact directive must be applied to both parties.
- Both parties must be given an explanation for the no-contact directive as well as being informed that any violation will result in disciplinary action.

Dr. Alison Netski, Vice Dean of Clinical Affairs & Professor Psychiatry, University of Nevada, Las Vegas

NRS 396.158

Overview: This statute supports a person who has experienced power-based violence by allowing them to request a waiver of certain requirements, request for leave of absence or extended benefits of employment.

Main Focus:

Section 1. Students may request a waiver from any requirement to maintain GPA, credit enrollment or other academic or disciplinary record requirement related to academic success for scholarship, grant or other program. This provides students the opportunity to get assistance or without negatively impacting academic endeavors. The waiver may be granted by a provost, dean, academic advisor or other appropriate staff or faculty.

Section 2. Students or employees who experience power-based violence may be granted a leave of absence or to extend benefits of employment. This provides students or employees the opportunity to take a leave of absence without negatively impacting academic endeavors.

NSHE handbook associated statutes:

Title 4, chapter 19, section 9; pertains to the Governor Guinn Millennium Scholarship criteria and waiver.

Title 4, chapter 18, section 3; pertains to scholarship and grant waiver related to sexual harassment.

Title 4, chapter 8, section 14B & 14D; pertains to the policy against unlawful discrimination and harassment complaint procedures.