

Amendment No. 391

Assembly Amendment to Assembly Bill No. 465 (BDR 34-927)

Proposed by: Assembly Committee on Education

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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

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



ASSEMBLY BILL NO. 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]~~ **creating immunity from civil liability for** a school district, **charter school** or institution within the Nevada System of Higher Education ~~[is civilly liable]~~ for ~~[the]~~ **certain** 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;]~~ **if the school district, charter school or institution establishes, publishes and enforces a policy containing certain provisions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates county school districts as political subdivisions of this State and provides that each school district has the power to be sued. (NRS 386.010) Existing law also establishes provisions relating to the handling of power-based violence at institutions within the Nevada System of Higher Education. (NRS 396.125-396.1595) ~~[Section 14 of this bill provides that a school district is civilly liable if an agent, employee or authorized person of the school district engages in harassment against a person who participates in or receives an aid, benefit, service or opportunity from an education program or activity of the school district or a school within the school district, or who attempts to participate in or receive any aid, benefit, service or opportunity from such a program or activity, regardless of where the incident occurs, if the incident of harassment is: (1) enabled or assisted by the authority exercised as an agent, employee or authorized person; or (2) the school district receives notice of the incident. Section 14 additionally provides that a school district is civilly liable if a person who is not an agent, employee or authorized person of the school district engages in harassment if the school district received notice of the incident. Section 15 of this bill sets forth the criteria for determining when a school district receives notice of an incident of harassment.]~~ **Section 16 of this bill [creates an affirmative defense for] ; (1) makes a school district or charter school**

17 immune from civil liability for incidents of harassment by pupils or staff if it
18 demonstrates that it ~~[-(1)-]~~ established, adequately published and enforced certain policies,
19 procedures and training concerning harassment; and (2) ~~provided supportive measures within~~
20 ~~3 days of receiving notice of the incident; (3) under certain circumstances, undertook a~~
21 ~~prompt, thorough and impartial investigation; (4) after obtaining consent to do so, facilitated a~~
22 ~~disciplinary process in accordance with practices based on restorative justice; and (5) took~~
23 ~~other necessary, prompt and appropriate corrective action. Sections 27-29] requires such a~~
24 policy to include certain provisions. Section 29 of this bill ~~set~~ sets forth similar provisions
25 for institutions within the System.

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

35 ~~— Sections 3-13 of this bill define certain terms for the purposes of sections 14-17. Sections~~
36 ~~20-26 of this bill define certain terms for the purposes of sections 27-30. Section 31 provides~~
37 ~~that: (1) the terms defined in sections 20-26 apply to provisions governing the handling of~~
38 ~~power-based violence at institutions within the System; and (2) certain terms relating to~~
39 ~~power-based violence apply to sections 20-30.~~

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

49 ~~— Existing law authorizes the Board of Regents to appoint researchers to develop a climate~~
50 ~~survey on power-based violence designed to be administered at institutions within the System.~~
51 ~~(NRS 396.142) If the Board of Regents requires administration of the survey, existing law~~
52 ~~additionally sets forth: (1) requirements for the contents and offering of the survey; and (2) the~~
53 ~~duties of the Board of Regents in storing and disseminating the responses to the survey. (NRS~~
54 ~~396.1425, 396.143) Under existing law, the Board of Regents is authorized to: (1) prohibit an~~
55 ~~institution within the System from subjecting a complainant, reporting party or witness who~~
56 ~~reports an alleged incident of power-based violence to disciplinary proceedings for certain~~
57 ~~violations of policies on student conduct; and (2) require an institution within the System to~~
58 ~~review such disciplinary action to determine if there is a connection between the alleged~~
59 ~~incident of power-based violence and the misconduct that led to such disciplinary action.~~
60 ~~(NRS 396.151) Section 18 of this bill similarly authorizes the board of trustees of each school~~
61 ~~district to prohibit a school within the school district from subjecting a complainant, reporting~~
62 ~~party or witness who reports an alleged incident of harassment to disciplinary proceedings~~
63 ~~under certain circumstances. Section 22: (1) defines the term “harassment” for the purposes of~~
64 ~~provisions relating to harassment at institutions within the System; and (2) includes incidents~~
65 ~~of power-based violence as incidents of harassment. Sections 37-41 of this bill replace the~~
66 ~~term “power-based violence” with “harassment,” thereby: (1) authorizing the Board of~~
67 ~~Regents to appoint researchers to develop a climate survey on harassment; and (2) applying~~
68 ~~the provisions of those sections to incidents of harassment, as defined in section 22.]~~

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

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

Sec. 2. ~~[As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 3. ~~[1. "Authorized person" means a person authorized by the board of trustees of a school district or a school within the school district to provide an aid, benefit, service or opportunity through an education program or activity of the school district or a school within the school district.~~

~~2. The term includes, without limitation, a:~~

~~(a) Vendor;~~

~~(b) Contractor;~~

~~(c) Member of the board of trustees of the school district;~~

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

~~(e) Guest speaker.]~~ (Deleted by amendment.)

Sec. 4. ~~["Civil rights coordinator" means a person who serves as a Title IX coordinator, Title VI coordinator or a section 504 coordinator for a school district or public school in this State.]~~ (Deleted by amendment.)

Sec. 5. ~~["Complainant" means a pupil or employee of a school district who is alleged to be the victim of conduct that could constitute harassment.]~~ (Deleted by amendment.)

Sec. 6. ~~["Harassment" means:~~

~~1. Conduct that, on the basis of an actual or perceived protected characteristic of a person or his or her association with an actual or perceived protected characteristic of another person, whether direct or indirect, verbal or nonverbal or in person or by virtual or electronic means, negatively affects the ability of the person to participate in or receive an aid, benefit, service or opportunity from an education program or activity of a school district or public school in this State, including, without limitation, by creating an intimidating, hostile or abusive educational or work environment;~~

~~2. Sexual harassment; or~~

~~3. An incident of power-based violence, as defined in NRS 396.1285.]~~ (Deleted by amendment.)

Sec. 7. ~~["Protected characteristic" means the race, color, religion, ancestry, national origin, physical or mental disability, familial status, sex, sexual orientation or gender identity or expression of a person.]~~ (Deleted by amendment.)

Sec. 8. ~~["Respondent" means a person alleged to have engaged in conduct that could constitute harassment.]~~ (Deleted by amendment.)

Sec. 9. ~~["Section 504 coordinator" means an employee designated by the board of trustees of the school district or the principal of a school within the district to coordinate compliance by the school district or school with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.]~~ (Deleted by amendment.)

Sec. 10. ~~["Sexual harassment" means conduct that, on the basis of sex, whether direct or indirect, implicit or explicit, verbal or nonverbal or in person or via virtual or electronic means, takes the form of:~~

~~1. Conduct by an agent, employee or authorized person that implicitly or explicitly conditions the provision of an aid, benefit, service or opportunity~~

~~through an education program or activity on the participation of a person in a sexual act, regardless of whether the person assents to or refuses to participate in the sexual act. Such conduct includes, without limitation:~~

- ~~— (a) A sexual advance;~~
- ~~— (b) A request for sexual favors; or~~
- ~~— (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 that negatively affects the ability of a person to participate in or receive an aid, benefit, service or opportunity from an education program or activity of a public school or school district, 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. Power-based violence, as defined in NRS 396.1285.] (Deleted by amendment.)~~

Sec. 11. ~~["Supportive measures" has the meaning ascribed to it in 34 C.F.R. § 106.2.] (Deleted by amendment.)~~

Sec. 12. ~~["Title VI coordinator" means a person designated by the board of trustees of a school district or the principal of a school within the school district to coordinate compliance by the school district or school with Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq.] (Deleted by amendment.)~~

Sec. 13. ~~["Title IX coordinator" means a person designated by the board of trustees of a school district or the principal of a school within the school district to:~~

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

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

~~3. Contact a complainant about supportive measures and options for reporting grievances; and~~

~~4. Oversee the grievance process of the school or school district, as applicable.] (Deleted by amendment.)~~

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

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

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

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

~~2. A person who is not an agent, employee or authorized person of the school district engages in harassment against a person who participates in or receives an aid, benefit, service or opportunity from the education program or activity of the school district or a school within the school district, or who attempts to participate in or receive any aid, benefit, service or opportunity from such a program or activity, if the school district receives notice of the harassment.] (Deleted by amendment.)~~

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

~~1. The agent, employee or authorized person:~~

~~— (a) Has the authority to take action to address the harassment;~~
~~— (b) Has the responsibility to report harassment or similar misconduct to an administrator; or~~
~~— (c) Receives a report of harassment from a person who reasonably believes that the agent, employee or authorized person holds the authority or responsibility described in paragraph (a) or (b), as applicable; and~~
~~2. The agent, employee or authorized person was not prevented from taking action or reporting the harassment by any privilege which exists at common law, by statute or otherwise. (Deleted by amendment.)~~

Sec. 16. 1. A school district or charter school is immune from civil liability [pursuant to section 14 of this act] for any incident of harassment by a pupil, employee or contractor of the school district or charter school if the school district or charter school demonstrates that it [exercised reasonable care to prevent the harassment and promptly remedy the effects of the harassment, including, without limitation, through a demonstration by the school district that it

~~— (a) Established,] established, adequately published and enforced [as applicable;~~

~~— (1) A] a comprehensive policy to prevent harassment [;~~

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

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

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

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

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

~~— (e) Took other necessary, prompt and appropriate corrective action designed to stop the harassment, prevent its recurrence and remedy its effects.~~

~~2. To assert an affirmative defense pursuant to this section, a school district must establish that it acted with reasonable care as required by paragraphs (a) to (e), inclusive, of subsection 1, even if additional incidents of harassment did not occur after the school district first received notice of the harassment.] that includes, without limitation:~~

~~(a) Protocols that describe specific measures that must be adhered to in responding to a complaint of an alleged incident of harassment by a pupil or staff member;~~

~~(b) Procedures to address a complaint of an alleged incident of harassment without exposing the complainant to further harm or to unreasonable effort or expense;~~

(c) Regardless of whether the complainant requests an investigation, a plan to deliver supportive measures to a complainant not later than 3 days after receiving the complaint of an alleged incident of harassment; and

(d) Any corrective action that is necessary, appropriate, delivered promptly and designed to, for an alleged incident of harassment:

(1) Stop any such incident;

(2) Prevent the recurrence of any such incident; and

(3) Remedy the effects of any such incident.

2. As used in this section, "supportive measures" includes, without limitation:

(a) Adjusting the schedule of courses of a pupil;

(b) Providing a pupil with accommodations for assignments and examinations;

(c) Complying with a court order prohibiting contact;

(d) Providing counseling services;

(e) Adjusting participation in school activities or the duties of an employee or contractor;

(f) Providing a list of providers of counseling or legal services in the community;

(g) Regardless of any requirements concerning the attendance or grade point average of a pupil, preserving the ability of the pupil to serve in leadership positions and participate in activities and educational programs;

(h) As appropriate, excusing any absences of a pupil or providing a leave of absence to an employee or contractor; and

(i) Increasing the monitoring or supervision of locations or during activities where an incident of harassment is alleged to have occurred.

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

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

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

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

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

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

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

~~(1) Adapting course schedules, assignments or examinations;~~

~~(2) Issuing no contact orders;~~

~~(3) Providing counseling services;~~

~~(4) Altering activities or employment;~~

~~(5) Adjusting grades or transcripts;~~

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

~~(7) Permitting absences, leaves of absence; or~~

~~(9) Increasing monitoring or supervision at locations or during activities where the harassment is alleged to have occurred;~~

~~(b) Information about community-based support services, including, without limitation~~

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

~~(2) Legal advocates, housing advocates and advocates for victims; and~~

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

~~(c) Reasonable accommodations for complainants and respondents with disabilities, including, without limitation, pre-existing disabilities and disabilities arising from the harassment, consistent with federal and state law, including, without limitation~~

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

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

~~(3) The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq. (Deleted by amendment.)~~

Sec. 18. [1. A school district shall:

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

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

2. A school district shall not:

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

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

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

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

3. The board of trustees of a school district may prohibit a school within the school district from subjecting a complainant, reporting party or witness who reports an alleged incident of harassment to a disciplinary proceeding pursuant to chapter 392 of NRS for a violation of a policy on the conduct of pupils related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of the school district that occurred during or related to

~~an alleged incident of harassment, unless the board of trustees of the school district determines that the:~~

~~— (a) Report of an alleged incident of harassment was not made in good faith;~~

~~or~~
~~— (b) Violation of a policy on the conduct of pupils was egregious, including, without limitation, a violation that poses a risk to the health or safety of another person;~~

~~— 4. The board of trustees of each school district may require a school within the school district to review any disciplinary action taken against a complainant, reporting party or witness to determine if there is any connection between the alleged incident of harassment and the misconduct that led to the pupil being disciplined.~~ (Deleted by amendment.)

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

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

~~2. The term includes, without limitation, a:~~

~~— (a) Vendor;~~

~~— (b) Contractor;~~

~~— (c) Volunteer; or~~

~~— (d) Guest speaker.~~ (Deleted by amendment.)

Sec. 21. ~~1. “Civil rights coordinator” means a person who serves as a Title IX coordinator, Title VI coordinator or a section 504 coordinator at an institution within the System.~~ (Deleted by amendment.)

Sec. 22. ~~1. “Harassment” means:~~

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

~~2. Sexual harassment; or~~

~~3. An incident of power based violence.~~ (Deleted by amendment.)

Sec. 23. ~~1. “Protected characteristic” means the race, color, religion, ancestry, national origin, physical or mental disability, familial status, sex, sexual orientation or gender identity or expression of a person.~~ (Deleted by amendment.)

Sec. 24. ~~1. “Section 504 coordinator” means an employee who is designated by the institution to coordinate compliance by the institution with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.~~ (Deleted by amendment.)

Sec. 25. ~~1. “Title VI coordinator” means a person designated by an institution within the System to coordinate compliance by the institution with Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq.~~ (Deleted by amendment.)

Sec. 26. ~~1. “Title IX coordinator” means a person designated by an institution within the System to:~~

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

~~2. Receive notice of instances of discrimination on the basis of sex within the institution;~~

~~3. Contact a complainant about supportive measures and options for reporting grievances; and~~

~~4. Oversee the grievance process set forth by the institution. } (Deleted by amendment.)~~

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

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

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

~~(b) The institution receives notice of the harassment.~~

~~2. A person who is not an agent, employee or authorized person of the institution engages in harassment against a person who participates in or receives an aid, benefit, service or opportunity from an education program or activity of the institution, or who attempts to participate in or receive any aid, benefit, service or opportunity from such a program or activity, if the institution receives notice of the harassment. } (Deleted by amendment.)~~

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

~~1. The agent, employee or authorized person:~~

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

~~(b) Has the responsibility to report harassment or similar misconduct to an administrator or supervisor employed by the institution; or~~

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

~~2. The agent, employee or authorized person was not prevented from taking action or reporting the harassment by any privilege which exists at common law, by statute or otherwise. } (Deleted by amendment.)~~

~~Sec. 29. 1. An institution within the System is immune from civil liability [pursuant to section 27 of this act] for any incident of harassment by a student, employee or contractor of the institution if the institution demonstrates that it exercised reasonable care to prevent the harassment and promptly remedy the effects of the harassment, including, without limitation, through a demonstration by the institution that it:~~

~~(a) Established } established, adequately published and enforced [, as applicable:~~

~~(1) A] a comprehensive policy to prevent harassment [;~~

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

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

~~(b) Within 3 school days after receiving notice of an incident of harassment, provided supportive measures to preserve and restore access to the education program or activity of the institution for the complainant, regardless of whether the complainant requests an investigation pursuant to NRS 306.155;~~

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

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

~~2. To assert an affirmative defense pursuant to this section, an institution within the System must establish that it acted with reasonable care as required by paragraphs (a) to (d), inclusive, of subsection 1, even if additional incidents of harassment did not occur after the institution first received notice of the harassment, that includes, without limitation:~~

~~(a) Protocols that describe specific measures that must be adhered to in responding to a complaint of an alleged incident of harassment by a student or staff member;~~

~~(b) Procedures to address a complaint of an alleged incident of harassment without exposing the complainant to further harm or to unreasonable effort or expense;~~

~~(c) Regardless of whether the complainant requests an investigation, a plan to deliver supportive measures to a complainant not later than 3 days after receiving the complaint of an alleged incident of harassment; and~~

~~(d) Any corrective action that is necessary, appropriate, delivered promptly and designed to, for an alleged incident of harassment:~~

~~(1) Stop any such incident;~~

~~(2) Prevent the recurrence of any such incident; and~~

~~(3) Remedy the effects of any such incident.~~

~~2. As used in this section, "supportive measures" includes, without limitation:~~

~~(a) Adjusting the schedule of courses of a student;~~

~~(b) Providing a student with accommodations for assignments and examinations;~~

~~(c) Complying with a court order prohibiting contact;~~

~~(d) Providing counseling services;~~

~~(e) Adjusting participation in school activities or the duties of an employee or contractor;~~

~~(f) Providing a list of providers of counseling or legal services in the community;~~

~~(g) Regardless of any requirements concerning the attendance or grade point average of a student, preserving the ability of the student to serve in leadership positions and participate in activities and educational programs;~~

~~(h) As appropriate, excusing any absences of a student or providing a leave of absence to an employee or contractor; and~~

~~(i) Increasing the monitoring or supervision of locations or during activities where an incident of harassment is alleged to have occurred.~~

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

~~2. A confidential employee must inform a person who discloses allegations of harassment.~~

~~(a) How to report the allegations of harassment to a civil rights coordinator;~~
~~(b) How a civil rights coordinator can assist the person who disclosed the allegations of harassment; and~~
~~(c) That the confidential employee will not report the allegations of harassment to a civil rights coordinator.~~
~~3. The Board of Regents may direct the civil rights coordinator, or his or her designee, at each institution within the System to, upon receiving notice of allegations of harassment, notify the complainant, in an accessible manner, in writing or orally, about resources and services available to the complainant to ensure his or her access to education programs or activities, including, without limitation:~~
~~(a) Supportive measures, including, without limitation:~~
~~(1) Adapting course schedules, assignments or examinations;~~
~~(2) Issuing no contact orders;~~
~~(3) Providing counseling services;~~
~~(4) Altering activities, housing assignments or employment;~~
~~(5) Adjusting grades or transcripts;~~
~~(6) Preserving eligibility for leadership positions, scholarships and other education programs or activities, regardless of requirements concerning attendance or grade point averages;~~
~~(7) Providing services for being escorted around campus; or~~
~~(8) Increasing monitoring or supervision at locations or during activities where the incident of harassment is alleged to have occurred;~~
~~(b) Information about community based support services, including, without limitation:~~
~~(1) Counseling services, mental health resources, substance misuse resources and other health services;~~
~~(2) Legal advocates, housing advocates and advocates for victims; and~~
~~(3) Any services provided as the result of an active memorandum of understanding entered into pursuant to NRS 396.147; and~~
~~(c) Reasonable accommodations for complainants and respondents with disabilities, including, without limitation, pre-existing disabilities and disabilities arising from the harassment, consistent with federal and state law, including, without limitation:~~
~~(1) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;~~
~~(2) The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; and~~
~~(3) The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~
~~4. The Board of Regents may, for each institution within the System:~~
~~(a) Require a civil rights coordinator, or his or her designee, to review any disciplinary actions against a complainant, reporting party or witness to ensure it does not discriminate against or harass the person on the basis of a protected characteristic; and~~
~~(b) Address reports of retaliation against a complainant, reporting party or witness, including, without limitation, investigating or disciplining a person who engages in retaliation.~~
~~5. The Board of Regents may prohibit an institution within the System from:~~
~~(a) Disciplining a complainant, reporting party or witness for a report of harassment that is deemed false for which the institution has decided that there is insufficient evidence for a finding of responsibility or for which the respondent is found not responsible for an incident of harassment;~~

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

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

~~— (d) Requiring a complainant to enter a confidentiality agreement as a prerequisite to obtaining supportive measures, participating in an investigation or informal resolution or asserting any other rights under federal or state law or disciplining a complainant, reporting party or witness for violating a confidentiality agreement that is impermissible pursuant to this paragraph, unless otherwise permitted by federal or state law.~~

~~6. As used in this section:~~

~~— (a) “Child abuse” means physical injury of a nonaccidental nature to a child less than 18 years of age;~~

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

~~‡ (Deleted by amendment.)~~

~~Sec. 31. [NRS 396.125 is hereby amended to read as follows:~~

~~— 396.125 As used in NRS 396.125 to 396.1595, inclusive, and sections 20 to 30, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 396.126 to 396.138, inclusive, and sections 20 to 26, inclusive, of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

~~Sec. 32. [NRS 396.126 is hereby amended to read as follows:~~

~~— 396.126 “Complainant” means a student or employee of an institution within the System who is alleged to be the victim of conduct that could constitute power-based violence [.] or harassment.] (Deleted by amendment.)~~

~~Sec. 33. [NRS 396.131 is hereby amended to read as follows:~~

~~— 396.131 “Respondent” means a person who has been reported to be the perpetrator of conduct that could constitute power-based violence [.] or harassment.] (Deleted by amendment.)~~

~~Sec. 34. [NRS 396.133 is hereby amended to read as follows:~~

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

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

~~— (a) A sexual advance;~~

~~— (b) A request for sexual favors; or~~

~~— (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~~

1 ~~services, activities] receive an aid, benefit, service or [opportunities offered by]~~
2 ~~opportunity from an education program or activity of an institution within the~~
3 ~~System [;~~

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

13 ~~2. [Sexual assault, dating] Power-based violence . [; domestic violence or~~
14 ~~stalking.] (Deleted by amendment.)~~

15 **Sec. 35.** ~~[NRS 396.137 is hereby amended to read as follows:~~

16 ~~396.137 "Supportive measures" has the meaning ascribed to it in 34 C.F.R. §~~
17 ~~[106.30.] 106.2.] (Deleted by amendment.)~~

18 **Sec. 36.** ~~[NRS 396.1415 is hereby amended to read as follows:~~

19 ~~396.1415 1. The Task Force on Power-Based Violence at Institutions of~~
20 ~~Higher Education created by NRS 396.141 shall:~~

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

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

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

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

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

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

39 ~~2. A meeting held pursuant to subsection 1 is not subject to the provisions of~~
40 ~~chapter 241 of NRS.] (Deleted by amendment.)~~

41 **Sec. 37.** ~~[NRS 396.142 is hereby amended to read as follows:~~

42 ~~396.142 1. To the extent that money is available, the Board of Regents may~~
43 ~~appoint researchers employed at one or more institutions within the System to~~
44 ~~develop a climate survey on [power-based violence] harassment designed to be~~
45 ~~administered at institutions within the System. The climate survey on [power-based~~
46 ~~violence] harassment must:~~

47 ~~— (a) Gather institution-specific data regarding the prevalence of gender-based~~
48 ~~harassment and discrimination;~~

49 ~~— (b) Be fair and unbiased;~~

50 ~~— (c) Be scientifically valid and reliable; and~~

51 ~~— (d) Meet the highest standards of survey research.~~

52 ~~2. If appointed to develop a climate survey on [power-based violence,]~~
53 ~~harassment, the researchers shall:~~

~~— (a) Use best practices from peer-reviewed research;~~
~~— (b) Consult with persons with expertise in the development and use of climate surveys on [power-based violence] **harassment** at institutions of higher education;~~
~~— (c) Consult with a student government association;~~
~~— (d) Review climate surveys on [power-based violence] **harassment** which have been developed and implemented by institutions of higher education, including, without limitation, institutions in other states;~~
~~— (e) Provide opportunity for written comment from organizations that assist victims of [power-based violence] **harassment** to ensure the adequacy and appropriateness of any proposed content of the climate survey on [power-based violence] **harassment**;~~
~~— (f) Consult with institutions within the System on strategies for optimizing the effectiveness of the climate survey on [power-based violence] **harassment**; and~~
~~— (g) Account for the diverse needs and differences of the institutions within the System.~~
~~3. If a climate survey on [power-based violence] **harassment** is developed, the climate survey must request information on topics related to [power-based violence] **harassment**. The topics may include, without limitation:~~
~~— (a) The estimated number of alleged incidents of [power-based violence] **harassment**, both reported and not reported, at an institution within the System, if a student taking the survey has knowledge of such information;~~
~~— (b) When and where an alleged incident of [power-based violence] **harassment** occurred;~~
~~— (c) Whether an alleged incident of [power-based violence] **harassment** was perpetrated by a student, faculty member, staff member of an institution within the System, third party vendor or another person;~~
~~— (d) Awareness of a student of the policies and procedures related to [power-based violence] **harassment** at an institution;~~
~~— (e) Whether a student reported an alleged incident of [power-based violence] **harassment** and:~~
~~— (1) If the incident was reported, to which campus resource or law enforcement agency a report was made; and~~
~~— (2) If the incident was not reported, the reason the student chose not to report the incident;~~
~~— (f) Whether a student who reported an alleged incident of [power-based violence] **harassment** was:~~
~~— (1) Offered supportive measures by an institution;~~
~~— (2) Informed of, aware of or referred to campus, local or state resources for support for victims, including, without limitation, appropriate medical care and legal services; and~~
~~— (3) Informed of the prohibition against retaliation for reporting an alleged incident of [power-based violence] **harassment**;~~
~~— (g) Contextual factors in an alleged incident of [power-based violence] **harassment**, such as the involvement of force, incapacitation or coercion;~~
~~— (h) Demographic information that could be used to identify at risk groups, including, without limitation, the gender, race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of the student taking the climate survey on [power-based violence] **harassment**;~~
~~— (i) Perceptions a student has of campus safety;~~
~~— (j) Whether a student has confidence in the ability of the institution to protect against and respond to alleged incidents of [power-based violence] **harassment**;~~

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

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

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

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

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

~~— (p) Any other questions as determined necessary by the researchers;~~

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

~~— 5. The climate survey on [power-based violence] **harassment** must be provided to the Task Force on Power-Based Violence at Institutions of Higher Education created pursuant to NRS 396.141 for comment.] (Deleted by amendment.)~~

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

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

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

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

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

~~— (b) Not require the disclosure of personally identifiable information by a participant in the climate survey on [power-based violence.] **harassment**;~~

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

~~— (d) Within 120 days after completion of the climate survey on [power-based violence.] **harassment**;~~

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

~~— (2) Submit the summary of responses to the Board of Regents; and~~

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

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

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

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

~~7. Any data or reports that underlie the summaries generated pursuant to subsection 3 are confidential and are not a public record for the purposes of chapter 239 of NRS.] (Deleted by amendment.)~~

Sec. 39. ~~[NRS 396.143 is hereby amended to read as follows:~~

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

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

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

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

~~(d) Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on [power based violence] harassment; and~~

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

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

Sec. 40. ~~[NRS 396.151 is hereby amended to read as follows:~~

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

~~(a) Report of an alleged incident of [power based violence] harassment was not made in good faith; or~~

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

~~2. The Board of Regents may require an institution within the System to review any disciplinary action taken against a reporting party or witness to determine if there is any connection between the alleged incident of [power based violence] harassment that was reported and the misconduct that led to the reporting party or witness being disciplined.] (Deleted by amendment.)~~

1 **Sec. 41.** ~~[NRS 396.1595 is hereby amended to read as follows:~~
2 ~~396.1595 The Board of Regents may adopt regulations as necessary to carry~~
3 ~~out the provisions of NRS 396.125 to 396.1595, inclusive [.] , and sections 20 to~~
4 ~~31, inclusive, of this act.] (Deleted by amendment.)~~
5

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