

BOARD OF REGENTS
BRIEFING PAPER

Agenda Item Title: Proposed Handbook Corrections to Definition of Dating Violence

Meeting Date: **March 3-4, 2016**

1. BACKGROUND & POLICY CONTEXT OF ISSUE:

At the September 2015 Board meeting the Board approved amendments to the Handbook to align NSHE policy with the Violence Against Women Act. Those amendments included the addition of a definition of Dating Violence. After the September Board meeting it was discovered that part of that definition was unintentionally deleted. At the December 2015 Board meeting, the omitted language was added to the Board Policies, Title 4, Chapter 8, Section 13, B.5.c. The proposed Code amendments add the same language to the various references to dating violence in the Code disciplinary provisions.

2. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

The Board is requested to take action to approve the amendment of the definition of Dating Violence in the Code, Title 2, Chapter 6, Section 6.2.1(ff), Chapter 8, Section 8.3.2(u) and Chapter 10, Section 10.2.1(ff).

3. IMPETUS (WHY NOW?):

The unintentional deletion was discovered after the September Board meeting. The Board approved the correction to the language in the Board Policies at the December Board meeting and was informed that the same corrections would need to be made to various provisions in the Code. The Code amendments are ready for the Board action at this meeting.

4. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- As noted above, language in the definition of Dating Violence was unintentionally deleted in the materials presented to the Board for approval at its September 2015 meeting.
- The language to be added completes and clarifies the definition of Dating Violence.
- Board action is requested to approve the addition of this language to the Code, Title 2, Chapter 6, Section 6.2.1(ff), Chapter 8, Section 8.3.2(u) and Chapter 10, Section 10.2.1(ff), as follows:

For the purpose of this definition:

Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party.

Dating violence includes, but is not limited to, mental, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence.

For the purpose of complying with the requirements of this section and 34 CFR 668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

5. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None.

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

None.

7. COMPLIANCE WITH BOARD POLICY:

Consistent With Current Board Policy: Title #____ Chapter #____ Section #____

XAmends Current Board Policy: Title #__ Chapter #_, Section #____;

Add new language to Title 2, Chapters 6, Section 6.2.1(ff), Chapter 8, Section 8.3.2(u) and Chapter 10, Section 10.2.1(ff).

Amends Current Procedures & Guidelines Manual: Chapter #____ Section #____

Other:_____

Fiscal Impact: Yes __ No X

PROPOSED REVISIONS – Board of Regents CODE,

TITLE 2, CHAPTER 6
RULES AND DISCIPLINARY PROCEDURES FOR FACULTY (*EXCEPT DRI**)
EXCEPT DRI, AND DEGREE REVOCATIONS
Correction to 6.2.1 (ff) Dating Violence

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

Section 6.2 Cause

6.2.1 Prohibited Activity - Faculty Only.

...
(ff) Dating Violence.

Dating Violence is an act committed by a person who is or has been in a “dating relationship” with the victim:

1. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context[-]; ***and***
2. ***For the purpose of this definition:***
Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party.
Dating violence includes, but is not limited to, mental, sexual or physical abuse or the threat of such abuse.
Dating violence does not include acts covered under the definition of domestic violence.

For the purpose of complying with the requirements of this section and 34 CFR 668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

**PROPOSED REVISIONS – Board of Regents CODE,
TITLE 2, CHAPTER 8
RULES AND DISCIPLINARY PROCEDURES FOR MEMBERS OF
THE [DRI] DESERT RESEARCH INSTITUTE (DRI)
Correction to Section 8.3.2.u Dating Violence**

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

8.3.2 Additional Prohibited Activity.

...

u. Dating Violence.

Dating Violence is an act committed by a person who is or has been in a “dating relationship” with the victim:

1. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context[-]; ***and***
2. ***For the purpose of this definition:***
Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party.
Dating violence includes, but is not limited to, mental, sexual or physical abuse or the threat of such abuse.
Dating violence does not include acts covered under the definition of domestic violence.

For the purpose of complying with the requirements of this section and 34 CFR 668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

PROPOSED REVISIONS – Board of Regents CODE,

TITLE 2, CHAPTER 10
RULES OF CONDUCT AND PROCEDURES FOR STUDENTS
NEVADA SYSTEM OF HIGHER EDUCATION
Correction to 10.2.1 (ff) Dating Violence

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

Section 10.2 Cause

10.2.1 Prohibited Conduct.

The following conduct is prohibited:

...

ff. Dating Violence.

Dating Violence is an act committed by a person who is or has been in a “dating relationship” with the victim:

1. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context~~[-];~~ ***and***
2. ***For the purpose of this definition:***
Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party. Dating violence includes, but is not limited to, mental, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

For the purpose of complying with the requirements of this section and 34 CFR 668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.