

NEVADA STUDENT ALLIANCE (NSA)

Agenda

December 3, 2015

7:15 a.m.-8:15 a.m.

Student Union, Room 211

University of Nevada, Las Vegas

4505 S. Maryland Parkway

Las Vegas, NV 89154

ROLL CALL:

Mr. Caden Fabbi, University of Nevada, Reno, ASUN (NSA Chair)

Ms. Andrea Senda, Western Nevada College, ASWN (NSA Vice Chair)

Ms. Kylie Row <<ed-2(, U)2(n)-4(i)-10(e)4(i)-10(F)11(ab)-4(b)-4(i)-2(, U)2(n)-4(i)-2(v)10(e)4

Ms. Yesenia Cuevas, Nevada State College, NSSA

Ms. Kanani Espinoza, University of Nevada, Las Vegas, CSUN

Ms. Jessica Connolly, Desert Research Institute, GRAD

Ms. Brenda Romero, College of Southern Nevada, ASCSN

Ms. DeMarynee Sali, Great Basin College, SGA

Mr. Spencer Schultz, Truckee Meadows Community College, SGA

Ms. Surbhi Sharma, University of Nevada, Las Vegas, GPSA

IMPORTANT INFORMATION ABOUT THE AGENDA AND PUBLIC MEETING

6. PROFESSIONALISM CAMPAIGN FOR POSSIBLE ACTION

NSA Chair Caden Fabbi will continue the discussion from prior meetings regarding a possible Alliance-sponsored professionalism campaign to be held during Spring 2015. Possible elements of the campaign may include providing students with professional photos and LinkedIn workshops on the various NSHE campuses, or other efforts to assist students in preparing to enter careers in the professional world after graduation.

7. RESOLUTION IN OPPOSITION TO H.R. 3403 FOR POSSIBLE ACTION

NSA Chair Caden Fabbi requests approval of a resolution to encourage members of Congress to oppose passage of House Resolution 3403. Congressman Matt Salmon introduced H.R. 3403 on July 29, 2015 to amend the Higher Education Act of 1965 to protect victims of sexual violence, to improve the adjudication of allegations related to sexual violence, and for other purposes. The proposed resolution opposes H.R. 3403 on the grounds that it would prevent campuses from investigating allegations of sexual assault if the alleged victim does not agree to have the allegations investigated by the local law enforcement agency.

8. PROPOSED UNR/TMCC/DRI POLICE CONSOLIDATION INFORMATION

On Friday, December 4, 2015 Chancellor Daniel J. Klaich will present a proposed implementation plan for consolidation of police and security services between UNR, TMCC and DRI. SGA President Spencer Schultz will provide a summary of concerns of the TMCC student body regarding the consolidation proposal.

9. NSA NEWSLETTER INFORMATION

NSA Chair Caden Fabbi will update the group on progress made toward publishing a Fall 2015 NSA newsletter.

10. IT'S ON US CAMPAIGN INFORMATION

NSA members will provide a summary to the group of activities held on their campuses to date and any future plans in support of the Alliance-sponsored "It's On Us" campaign to stop sexual assault.

11. CHANCELLOR'S FACULTY PAY WORKING GROUP INFORMATION

Chancellor Daniel J. Klaich convened a Faculty Pay Working Group on November 24, 2015 to review salary policies of the System and its institutions to determine if those policies are proper to advance the interests of NSHE. NSA members Spencer Schultz and Surbhi Sharma serve on this working group along with a third student representative (James Puccinelli, UNR), and will provide a report to NSA members on the working group's first meeting.

114TH CONGRESS
1ST SESSION

H. R. 3403

To amend the Higher Education Act of 1965 to protect victims of sexual violence, to improve the adjudication of allegations related to sexual violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Mr. SALMON (for himself, Mr. SESSIONS, and Ms. GRANGER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 to protect victims of sexual violence, to improve the adjudication of allegations related to sexual violence, and for other purposes.

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3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Campus Act of
5 2015”.

1 **SEC. 2. INSTITUTION OF HIGHER EDUCATION REQUIRE-**
2 **MENTS FOR PROTECTING VICTIMS OF SEX-**
3 **UAL VIOLENCE AND INVESTIGATING AND AD-**
4 **JUDICATING ALLEGATIONS OF SEXUAL VIO-**
5 **LENCE.**

6 (a) IN GENERAL.—Title I of the Higher Education
7 Act of 1965 (20 U.S.C. 1001 et seq.) is amended by add-
8 ing at the end the following new part:

9 **“PART F—TREATMENT OF ALLEGATIONS OF**
10 **SEXUAL VIOLENCE**

11 **“SEC. 161. APPLICATION; DEFINITION.**

12 “(a) APPLICATION.—The requirements of this part
13 shall apply to any institution of higher education receiving
14 Federal financial assistance under this Act, including fi-
15 nancial assistance provided to students under title IV,
16 other than a foreign institution of higher education.

17 “(b) DEFINITIONS.—In this part, the following defi-
18 nitions shall apply:

19 “(1) COVERED ALLEGATION.—The term ‘cov-
20 ered allegation’ means, with respect to an institution
21 of higher education, an allegation that a student of
22 the institution committed an act of sexual violence,
23 or that members of a student organization of the in-
24 stitution or the organization itself committed or were
25 involved in creating a hostile environment resulting
26 in an act of sexual violence.

1 “(2) INSTITUTIONAL DISCIPLINARY PRO-
2 CEEDING.—The term ‘institutional disciplinary pro-
3 ceeding’ means the process by which an institution
4 of higher education investigates and adjudicates a
5 covered allegation and imposes a sanction with re-
6 spect to the allegation, in accordance with the insti-
7 tution’s own code of conduct or similar internal
8 rules.

9 “(3) SEXUAL VIOLENCE.—The term ‘sexual vio-
10 lence’ means, with respect to an institution of higher
11 education—

12 “(A) aggravated sexual abuse under sec-
13 tion 2241 of title 18, United States Code;

14 “(B) assault resulting in substantial bodily
15 injury under section 113(a)(7) of title 18,
16 United States Code;

17 “(C) battery, as defined under the applica-
18 ble criminal law of the jurisdiction in which the
19 institution is located;

20 “(D) rape, as defined under the applicable
21 criminal law of the jurisdiction in which the in-
22 stitution is located;

23 “(E) sexual abuse under section 2242 of
24 title 18, United States Code; and

1 “(F) sexual assault, as defined under the
2 applicable criminal law of the jurisdiction in
3 which the institution is located.

4 **“SEC. 162. EDUCATION, REPORTING, AND STUDENT CARE**
5 **STRATEGIES FOR PREVENTING SEXUAL VIO-**
6 **LENCE.**

7 “(a) EDUCATION PROGRAMS.—

8 “(1) IN GENERAL.—Each institution of higher
9 education which is subject to this part is encouraged
10 to provide education programs designed to address
11 sexual violence that, at a minimum, provide training
12 for reporting covered allegations, intervening as a
13 bystander, and fostering development of healthy re-
14 lationships.

15 “(2) ACCESS TO PROGRAMS.—The institution is
16 encouraged—

17 “(A) to provide access to the programs re-
18 quired under this subsection for each student
19 during each academic year; and

20 “(B) to ensure new students are made
21 aware of the programs and can access them as
22 soon as possible after beginning the e6eLRe of

1 piate resources for the care, support, and guidance for
2 students affected by sexual violence.

3 “(c) ROLE OF VOLUNTEER ADVISORS TO STUDENT
4 ORGANIZATIONS.—An institution of higher education
5 which is subject to this part—

6 “(1) may not designate an adult volunteer advi-
7 sor to a student organization, or any employee of a
8 student organization who is not also an employee of
9 the institution, as a campus security authority under
10 section 485 or regulations implementing that sec-
11 tion; and

12 “(2) may not deny recognition to a student or-
13 ganization because an advisor or employee described
14 in paragraph (1) does not register or serve as a
15 campus security authority under section 485 or reg-
16 ulations implementing that section.

17 “(d) TRAINING.—Each institution of higher edu-
18 cation which is subject to this part shall provide appro-
appropriate annual training to campus security personnel, cam-

1 ments of this section regarding the reporting of allegations
2 to law enforcement agencies and the effects of the con-
3 fidentiality exception under section 163(a)(2).

4 **“SEC. 163. ROLE OF LAW ENFORCEMENT AGENCIES IN IN-**
5 **VESTIGATION OF ALLEGATIONS OF SEXUAL**
6 **VIOLENCE.**

7 “(a) REFERRAL OF ALLEGATIONS.—

8 “(1) REFERRAL.—Except as provided in para-
9 graph (2), if an institution of higher education which
10 is subject to this part receives a covered allegation,
11 along with written consent to proceed from the al-
12 leged victim, the institution shall report and refer
13 the allegation to the law enforcement agency of the
14 unit of local government with jurisdiction to respond
15 to such allegations in the location of the institution
16 immediately, but not later than 48 hours after re-
17 ceiving written consent from the alleged victim.

18 “(2) CONFIDENTIALITY EXCEPTION.—

19 “(A) IN GENERAL.—Paragraph (1) does
20 not apply if the individual who is the alleged
21 victim of an act of sexual violence included in
22 the covered allegation provides a written notifi-
23 cation to the institution that the individual does
24 not want the allegation to be investigated by a
25 law enforcement agency.

1 “(B) EFFECT OF NOTIFICATION OF CON-
2 FIDENTIALITY.—If an individual provides a no-
3 tification to the institution under this para-
4 graph with respect to an allegation, the institu-
5 tion may not initiate or otherwise carry out any
6 institutional disciplinary proceeding with re-
7 spect to the allegation, including imposing in-
8 terim measures described in subsection (c), but
9 only if the individual includes in the notification
10 a statement that the individual understands the
11 effect under this subparagraph of providing the
12 notification.

13 “(b) RESTRICTIONS ON INSTITUTIONAL DISCIPLI-
14 NARY PROCEEDINGS DURING PERIOD OF LAW ENFORCE-
15 MENT INVESTIGATION.—

16 “(1) IN GENERAL.—During the period in which
17 a law enforcement agency is investigating a covered
18 allegation reported by an institution under sub-
19 section (a), the institution may not initiate or other-
20 wise carry out any institutional disciplinary pro-
21 ceeding with respect to the allegation, except to the
22 extent that the institution may impose interim sanc-
23 tions under subsection (c).

24 “(2) PERIOD OF LAW ENFORCEMENT INVES-
25 TIGATION DESCRIBED.—For purposes of this sub-

1 section and subsection (c), the period in which a law
2 enforcement agency is investigating an allegation re-
3 ported under subsection (a) shall be considered—

4 “(A) the 30-day period beginning on the
5 date on which the institution reported the alle-
6 gation to the agency, together with

7 “(B) any subsequent 30-day period for
8 which the agency notifies the institution that it
9 is continuing to investigate the allegation and
10 that the public interest is best served by pre-
11 venting the institution from beginning its own
12 investigation and disciplinary proceeding.

13 “(3) TOLLING.—For purposes of satisfying any
14 federally prescribed time period for an institution to
15 complete an adjudication of an allegation to which
16 this subsection applies, the time period shall be
17 deemed to begin upon the expiration of the period in
18 which the law enforcement agency is investigating
19 the allegation, in accordance with this subsection.

20 “(4) PERMITTING INVOLVEMENT OF ACCRED-
21 ITED CAMPUS PUBLIC SAFETY DEPARTMENTS.—Not-
22 withstanding paragraph (1), if an institution of
23 higher education operates an accredited public safety
24 department that employs sworn officers, such de-
25 partment may carry out investigative functions with

1 respect to an allegation provided to a law enforce-
2 ment agency under subsection (a) if authorized to do
3 so by the law enforcement agency.

4 “(c) PERMITTING INSTITUTION TO IMPOSE INTERIM
5 SANCTIONS.—

6 “(1) IN GENERAL.—During the period in which
7 a law enforcement agency is investigating a covered
8 allegation reported by an institution under sub-
9 section (a), the institution may impose interim sanc-
10 tions against the subject of the allegation with re-
11 spect to the allegation (including temporary suspen-
12 sions, no contact orders, adjustments of class sched-
13 ules, or changes in housing assignments) and carry
14 out investigations and adjudications with respect to
15 the imposition of such sanctions, but only if the in-
16 stitution determines that the imposition of such a
17 sanction is a reasonable measure to promote campus
18 safety and student well-being.

19 “(2) SPECIAL RULES FOR DURATION OF PERI-
20 ODS OF TEMPORARY SUSPENSIONS.—

21 “(A) STUDENTS.—Subject to paragraph
22 (3), if the subject of an allegation is a student,
23 an institution may impose a temporary suspen-
24 sion for a period of not more than 15 days as
25 an interim sanction under this subsection, and

1 may extend the suspension for additional peri-
2 ods of not more than 30 days per period if, pur-
3 suant to a hearing held in accordance with the
4 requirements of section 164 for each such addi-
5 tional period, the institution finds that exten-
6 sion is necessary because the student poses an
7 immediate threat to campus safety and student
8 well-being.

9 “(B) STUDENT ORGANIZATIONS.—If the
10 subject of an allegation is a student organiza-
11 tion, an institution may impose a temporary
12 suspension for a period of not more than 10
13 days on the operations of the organization as
14 an interim sanction under this subsection, but
15 only if the institution determines that the orga-
16 nization has engaged in activity that presents a
17 significant risk to the health and physical safety
18 of campus community members, and that the
19 imposition of the suspension is not done merely
20 for punitive purposes.

21 “(3) PERIOD IN WHICH INTERIM SANCTION IS
22 IN EFFECT.—An interim sanction imposed under
23 this subsection with respect to an allegation shall
24 terminate upon the expiration of the period in which
25 a law enforcement agency is investigating the allega-

1 tion (as described in subsection (b)), except that if
2 an indictment has been issued with respect to the al-
3 legation and the subject of the allegation is a stu-
4 dent, the institution may continue the sanction, in-
5 cluding a temporary suspension the duration of
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1 institution did not investigate or adjudicate a covered
2 allegation, or did not impose any sanction with
3 respect to a covered allegation, to the extent that the
4 institution was prohibited under this section from
5 initiating or carrying out any institutional disciplinary
6 proceeding with respect to the allegation.

7 “(2) STUDENTS.—An institution of higher edu-
8 cation which is subject to this part may not impose
9 a sanction on a student who is a victim of, or a by-
10 stander witness to, an act of sexual violence on the
11 grounds that the student engaged in conduct prohib-
12 ited under the institution’s code of conduct (other
13 than violent conduct) if the institution learned that
14 the student engaged in such conduct as part of a re-
15 port of a covered allegation which was made in good
16 faith by the student to an agent of the institution.

17 “(e) PRIVACY.—It shall not be a violation of section
18 444 of the General Education Provisions Act (commonly
19 known as the ‘Family Educational Rights and Privacy Act
20 of 1974’) (20 U.S.C. 1232g) for an institution of higher
21 education to report an allegation to a law enforcement
22 agency under subsection (a).

23 “(f) NO EFFECT ON CIVIL REMEDIES.—Nothing in
24 this section may be construed to limit the authority of any

1 person to seek a civil remedy in a court of competent juris-
2 diction with respect to any covered allegation.

3 **“SEC. 164. DUE PROCESS REQUIREMENTS FOR INSTITU-**
4 **TIONAL DISCIPLINARY PROCEEDINGS.**

“(a) D

1 “(3) The institution shall ensure that all parties
2 to the proceeding have access to all material evi-
3 dence, including both inculpatory and exculpatory
4 evidence, not later than one week prior to the start
5 of any formal hearing or similar adjudicatory pro-
6 ceeding. Such evidence may include but is not lim-
7 ited to complainant statements, third-party witness
8 statements, electronically stored information, written
9 communications, social media posts, and demonstra-
10 tive evidence.

11 “(4) The institution shall permit each party to
12 the proceeding to be represented, at the sole expense
13 of the party, by an attorney or other advocate for
14 the duration of the proceeding, including during the
15 investigation of the allegation and other preliminary
16 stages prior to a formal hearing or similar adjudica-
17 tory proceeding, and shall permit the attorney or
18 other advocate to ask questions in the proceeding,
19 file relevant papers, examine evidence, and examine
20 witnesses (subject to paragraph (5)).

21 “(5) The institution shall permit each party to
22 the proceeding to safely confront witnesses, includ-
23 ing the complainant, in an appropriate manner, in-
24 cluding by submitting written questions to be asked
25 by the person serving as the adjudicator in any for-

1 mal hearing or similar adjudicatory proceeding, ex-
2 cept that it shall be presumptively improper for any
3 person to make any inquiry about the sexual history
4 of the individual reporting the covered allegation
5 (other than an inquiry made by the individual
6 against whom the allegation is made, or such indi-
7 vidual's counsel or advocate, about the sexual history
8 between such individual and the individual reporting
9 the covered allegation).

10 “(6) The institution shall ensure that the pro-

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1 tion carried out as part of an institutional disciplinary pro-
2 ceeding under this section.

“(c) JUDICIAL

1 the institution of higher education) compensatory
2 damages, reasonable court costs, attorney fees, in-
3 cluding expert fees, and any other relief in equity or
4 law that the court deems appropriate.

5 “(d) PUBLICATION IN STUDENT HANDBOOK.—Each
6 institution of higher education which is subject to this part
7 shall publish annually in the institution’s Student Hand-
8 book (or equivalent publication) a statement of the proce-
9 dures applicable to institutional disciplinary proceedings
10 under this section, and shall publish such statement in the
11 form of a contract between the institution and its students
12 and student organizations.

13 “(e) NO RIGHT TO PAID ADVOCATE.—Nothing in
14 this section shall be construed to create a right for any
15 individual to be represented by an attorney or other advo-
16 cate at an institution of higher education’s expense.

17 **“SEC. 165. PRESERVATION OF SINGLE-SEX EXEMPTION FOR**
18 **STUDENT ORGANIZATIONS.**

19 “(a) RESTATEMENT OF CONGRESSIONAL POSITION
20 ON TITLE IX AND SINGLE-SEX ORGANIZATIONS.—Con-
21 gress finds as follows:

22 “(1) The enactment of title IX of the Education
23 Amendments of 1972 (commonly known as ‘title
24 IX’) continues to be a vital element of ensuring all
25 Americans have equal access to higher education.

1 “(2) The exemption under title IX that allows
2 single-sex organizations to continue to flourish at in-
3 stitutions of higher education is still essential to de-
4 veloping a wide range of enrichment opportunities
5 for students to learn and grow.

6 “(3) While title IX has done much to provide
7 opportunities for women and men alike, the single-
8 sex exemption is a part of that tapestry of opportu-
9 nities, and institutions of higher education may not
10 take actions that undermine this single-sex exemp-
11 tion.

12 “(b) PROHIBITING INSTITUTIONS FROM REQUIRING
SINGLE-SEX STUDENT

1 nizations or individuals that do not meet the organi-
2 zation's or governing body's membership qualifica-
3 tions; or

4 “(3) require an organization which is covered
5 by section 901(a)(6)(A) of the Education Amend-
6 ments of 1972 (20 U.S.C. 1681(a)(6)(A)) to waive
7 its coverage under such section as a disciplinary or
8 punitive measure.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this Act shall apply with respect to allegations made on
11 or after the expiration of the 1-year period that begins
12 on the date of the enactment of this Act.

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THE NEVADA STUDENT ALLIANCE
OF THE NEVADA SYSTEM OF HIGHER EDUCATION
December 3, 2015

A Resolution in Opposition of House Resolution 3403 of the 114th Congress,
The Safe Campus Act

The Nevada Student Alliance is made up of the Student Body Presidents of each of the undergraduate and graduate student governments in the Nevada System of Higher Education, and

WHEREAS, Approximately 1 in 4 female students and 1 in 10 male students have reported being sexually assaulted nationwide according to a new study done by the Association of American Universities; and

WHEREAS, Only 18% of reported rapes result in conviction; and

WHEREAS, Going through a potential public sexual assault trial in a criminal justice system with a very low rate of conviction deters many victims from reporting to the police, resulting in less than 5% of completed or attempted rapes against college women actually reported to law enforcement; and

WHEREAS, Many universities, advocacy organizations, and fraternity and sorority

S, Under the provisions outlined in House Resolution 3403, if an institution receives an allegation that a student or student organization committed an act of sexual violence, along with written consent to proceed from the alleged victim, the institution must report the allegation to a law enforcement agency; and

WHEREAS,

If the alleged victim