

**NEVADA STUDENT ALLIANCE (NSA)
Agenda (Revised)
February 11, 2016
4:00 p.m. to 6:00 p.m.
Reno System Administration Building, Room 134
2601 Enterprise Road
Reno, NV 89512**

**Video Conference Connection from the Meeting Site to:
Carson City-WNC Dini 105
Elko-GBC LCSL 122
Henderson- NSC RSC 370
Las Vegas-CSN CHEY 2638
Las Vegas-System Office 101**

ROLL CALL: Mr. Caden Fabbi, University of Nevada, Reno, ASUN (NSA Chair)
Ms. Andrea Senda, Western Nevada College, ASWN (NSA Vice Chair)
Ms. Kanani Espinoza, University of Nevada, Las Vegas, CSUN (NSA Secretary)
Ms. Yesenia Cuevas, Nevada State College, NSSA
Ms. Jessica Connolly, Desert Research Institute, GRAD
Ms. Brenda Romero, College of Southern Nevada, ASCSN
Mr. Tyler Ross, University of Nevada Reno, GSA
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

NOTE: Below is an agenda of all items scheduled to be considered. Notification is hereby provided that items on the agenda may be taken out of the order presented, two or more agenda items may be combined for consideration, and an agenda item may be removed from the agenda or discussion relating to an item on the agenda may be delayed at any time.

In accordance with NRS 241.020(6), supporting materials that are submitted to the Nevada System of Higher Education (NSHE) Office of Academic and Student Affairs will be made available in advance of the meeting as follows: 1) from the NSHE Office of Academic and Student Affairs by calling Sally Jackson at (775) 784-3443 or emailing her at Sally_Jackson@nshe.nevada.edu; or, 2) by accessing the electronic version of the agenda posted on the NSA page of the NSHE website:

<http://www.nevada.edu/studentgov/>

In addition, a limited number of copies of any such supporting materials will be available at the meeting site.

1. ROLL CALL

NSA Secretary Kanani Espinoza will take roll call of members and ask guests at each of the

8. 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.

9. STATE OF STUDENT ADVISING **INFORMATION**

At the December 3, 2015 NSA meetin2(he)2Tw 3. /T-6(n2Nxc403. /Tc)2(n)2-2(ec)-2(ec)-10(em)-6((o)-4(ex3

13. PUBLIC COMMENT

INFORMATION

Public comment will be taken during this agenda item. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. Comments will be limited to three minutes per person. Persons making comment will be asked to begin by stating their name for the record and to spell their last name. The NSA Chair may elect to allow additional public comment on a specific agenda item when that agenda item is being considered.

In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual, the NSA Chair may prohibit comment if the content of that comment is a topic that is not relevant to, or within the authority of, the NSA, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers.

Posted in accordance with Nevada Open Meeting Law (NRS Ch. 241) at the following locations:

CSN, Building D, 1st Floor, 6375 W. Charleston Blvd., Las Vegas, NV 89146-1124

DRI, Maxey Building, 2215 Raggio Parkway, Reno, NV 89512-1095

DRI, Southern Nevada Science Center, 755 E. Flamingo Road, Las Vegas, NV 89119-7363

GBC, Berg Hall, 1500 College Parkway, Elko, NV 89801

NSC, Great Hall, 1125 Nevada State Drive, Henderson, NV 89015

TMCC, Red Mountain Building (RDMT 200) 7000 Dandini Blvd. Reno, NV 89512

UNLV, Flora Dungan Humanities 9 (FDH), 1st and 7th Floors, 4505 Maryland Parkway, Las Vegas, NV 89154-1001

UNR, Clark Administration, University of Nevada, Reno, Reno, NV 89557

WNC, Bristlecone Building Lobby, 2201 W. College Parkway, Carson City, NV 89703

System Administration, 4300 S. Maryland Parkway, Las Vegas, NV 89119-7530

System Administration, 2601 Enterprise Road, Reno, NV 89512

Nevada Public Notice Website - <https://notice.nv.gov>

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. GANGER) 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.

1

2

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 INVE-
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 cov-
2 ered 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 discipli-
6 nary 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
February 11, 2016

A Resolution in Opposition of House Resolution 3403 of the 71st 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, A

WHEREAS, If the alleged victim notifies the institution that the victim does not want the allegation investigated by the local law enforcement agency, the institution cannot initiate investigations, institutional disciplinary proceedings or impose interim sanctions against the alleged assailant; and

WHEREAS, Victims of sexual assault at schools or institutions of higher learning often do not desire to report the crime to law enforcement, and instead simply wish to not see or interact with the perpetrator; and be it

RESOLVED, That We, the Students of the Nevada Student Alliance, declare our opposition to House Resolution 340 and be it further

RESOLVED, The Nevada Student Alliance supports the empowerment of survivors of sexual assault to have the ability to select their preferred method of reporting after the incident; and be it further

RESOLVED, A copy of this resolution will be sent to Nevada's Congressional Delegation, the Board of Regents, and the Chancellor of the Nevada System of Higher Education.

DATED & SIGNED this 11th day of February 2016

Caden Fabbi
Nevada Student Alliance Chair

300~~5~~4 A vice-chairperson shall be elected by at least two thirds of the Alliance's voting representatives at the first meeting.

300~~51~~44 The vicechair will ~~serve~~ one term consisting of one year, to correspond with his or her respective institutional term~~office~~.

300~~52~~42 No member organization shall hold consecutive terms as the vice-chair.

300~~53~~43 The chair and vicechair cannot be from the same member institution.

300~~6~~5 The vicechair shall have the following rights and duties:

300~~61~~51 The right to vote;

300~~62~~52 The responsibility to fill the position and duties of the chair in the event

~~310.1 Any decision requires approval from at least one less than the number of voting members present, unless otherwise stipulated in this constitution;~~

~~310.12 Each representative shall have the right to send a proxy in his/her place if unable to attend. This person shall have the right to vote.~~

~~310.1121 Each representative shall notify the Alliance Chair in writing in advance of the meeting of the person designated to be his or her proxy. The Chair shall indicate the designation of said proxy on the meeting record. Any member of the Alliance wishing to exercise the right to a proxy shall, in advance of the meeting, notify the Alliance Chair in writing of the person designated to be his/her proxy and for which specific meeting. At commencement of the meeting the Chair shall, on the record, introduce the proxy by name and indicate for which member he/she is acting as proxy.~~

ARTICLE 4 - Amendment, ~~Ratification and Impeachment~~

Section 400 Amendment ~~and ratification~~ of this constitution shall require the following procedures:

400.1 Any voting member may propose a revision to the Nevada Student Alliance Constitution.

400.11 A constitutional revision shall be introduced initially at a meeting of the Alliance as an information item.

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400.21 ~~Final draft of the amended constitution shall be transmitted to members.~~

ARTICLE 5 - Impeachment

Section 410 Impeachment and removal of any members shall require the following procedure