

BOARD OF REGENTS
BRIEFING PAPER

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

Meeting Date: December 3-4, 2015

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. The proposed amendments to the Handbook add the language that was deleted.

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 Title 4, Chapter 8, Section 13.B.5.c.2. The same proposed amendments are offered for information only with regard to 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). The addition of this language to those Code sections will be presented to the Board for action at its March 2016 meeting.

3. IMPETUS (WHY NOW?):

The unintentional deletion was discovered after the September Board meeting. Proposed amendments have been prepared for the Board's consideration 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 a new subsection 2 to the Board of Regents Policies, Title 4, Chapter 8, Section 13.B.5.c as follows:

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.

- For information only at this meeting, the same language will be added to 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). The addition of this language will be presented to the Board for action at its March 2016 meeting.

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5. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None.

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

None.

7. COMPLIANCE WITH BOARD POLICY:

<input type="checkbox"/> Consistent With Current Board Policy: Title #_____ Chapter #_____ Section #_____ XAmends Current Board Policy: Title # <u>4</u> Chapter # <u>8</u> , add a new Section #13.C.5.c.2; Add new sections 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). <input type="checkbox"/> Amends Current Procedures & Guidelines Manual: Chapter #_____ Section #_____ Other: _____ <input type="checkbox"/> Fiscal Impact: Yes ___ No <u>X</u>

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.

**PROPOSED REVISION – Title 4, Codification of Board of Regents Policy Statements
CHAPTER 8, SECTION 13
STUDENT RECRUITMENT AND RETENTION POLICY, EQUAL EMPLOYMENT
OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM FOR THE NEVADA
SYSTEM OF HIGHER EDUCATION
Correction to Section 13.B.5.c Dating Violence**

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

Section 13. Policy Against Discrimination and Sexual Harassment; Complaint Procedure

...

B. 5. Sexual Harassment Examples, Sexual Assault, Dating Violence, Domestic Violence, Stalking, Consent and Coercion Defined.

...

c. Dating Violence.

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

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:
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