

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 534

FINAL READING
(SECOND)

Introduced by Cavanaugh, 6; Howard, 9; Hansen, M., 26; Blood, 3.

Read first time January 22, 2019

Committee: Education

1 A BILL FOR AN ACT relating to postsecondary education; to require public
2 postsecondary institutions to submit reports regarding sexual
3 harassment; to require public hearings as prescribed; and to define
4 terms.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) On or before September 15, 2021, and September 15 of
2 each odd-numbered year thereafter, each public postsecondary institution
3 shall electronically submit a report regarding sexual harassment and
4 Title IX compliance to the Clerk of the Legislature and the Education
5 Committee of the Legislature. The report shall include:

6 (a) Results of any campus climate survey related to sexual
7 harassment;

8 (b) Information related to the training provided to Title IX
9 coordinators, investigators, and decisionmakers regarding sexual
10 harassment;

11 (c) Any policies, initiatives, or grievance procedures the
12 postsecondary institution has adopted to address sexual harassment;

13 (d) Information on where the postsecondary institution's students
14 and employees may receive immediate emergency assistance to address
15 instances of sexual harassment;

16 (e) Information on how the postsecondary institution's students and
17 employees may report concerns of sexual harassment to the postsecondary
18 institution;

19 (f) Information on resources, programs, and support available to the
20 postsecondary institution's students and employees to address concerns of
21 sexual harassment;

22 (g) Information on any of the postsecondary institution's student or
23 employee-led organizations engaged in supporting victims of sexual
24 harassment; and

25 (h) Any agreement between the postsecondary institution and a local
26 law enforcement agency or the county attorney related to addressing
27 instances of sexual harassment.

28 (2) The report shall not include any personally identifiable
29 information, information that is subject to a privilege arising under
30 state or federal law, or records that may be withheld from disclosure
31 under section 84-712.05.

1 (3) On or before December 15, 2021, and on or before December 15 of
2 each odd-numbered year thereafter, the Education Committee of the
3 Legislature shall hold a public hearing to review all reports submitted
4 under this section.

5 (4) For purposes of this section:

6 (a) Postsecondary institution has the same meaning as in section
7 85-2403;

8 (b) Sexual harassment means conduct that satisfies one or more of
9 the following:

10 (i) An employee conditioning the provision of an aid, benefit, or
11 service on an individual's participation in unwelcome sexual conduct;

12 (ii) Unwelcome conduct on the basis of sex determined by a
13 reasonable person to be so severe, pervasive, and objectively offensive
14 that it effectively denies a person equal access to the education program
15 or activity;

16 (iii) Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v);

17 (iv) Dating violence as defined in 34 U.S.C. 12291(a)(10);

18 (v) Domestic violence as defined in 34 U.S.C. 12291(a)(8); or

19 (vi) Stalking as defined in 34 U.S.C. 12291(a)(30); and

20 (c) Title IX means Title IX of the Education Amendments of 1972,
21 Public Law 92-318, 20 U.S.C. 1681 to 1688, and its accompanying
22 regulations and guidance documents, as amended.