

## LEGISLATIVE BILL 534

Approved by the Governor August 17, 2020

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

A BILL FOR AN ACT relating to postsecondary education; to require public postsecondary institutions to submit reports regarding sexual harassment; to require public hearings as prescribed; and to define terms.  
Be it enacted by the people of the State of Nebraska,

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

- (a) Results of any campus climate survey related to sexual harassment;
- (b) Information related to the training provided to Title IX coordinators, investigators, and decisionmakers regarding sexual harassment;
- (c) Any policies, initiatives, or grievance procedures the postsecondary institution has adopted to address sexual harassment;
- (d) Information on where the postsecondary institution's students and employees may receive immediate emergency assistance to address instances of sexual harassment;
- (e) Information on how the postsecondary institution's students and employees may report concerns of sexual harassment to the postsecondary institution;
- (f) Information on resources, programs, and support available to the postsecondary institution's students and employees to address concerns of sexual harassment;
- (g) Information on any of the postsecondary institution's student or employee-led organizations engaged in supporting victims of sexual harassment; and
- (h) Any agreement between the postsecondary institution and a local law enforcement agency or the county attorney related to addressing instances of sexual harassment.

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

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

(4) For purposes of this section:

- (a) Postsecondary institution has the same meaning as in section 85-2403;
- (b) Sexual harassment means conduct that satisfies one or more of the following:
  - (i) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
  - (ii) Unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity;
  - (iii) Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v);
  - (iv) Dating violence as defined in 34 U.S.C. 12291(a)(10);
  - (v) Domestic violence as defined in 34 U.S.C. 12291(a)(8); or
  - (vi) Stalking as defined in 34 U.S.C. 12291(a)(30); and
- (c) Title IX means Title IX of the Education Amendments of 1972, Public Law 92-318, 20 U.S.C. 1681 to 1688, and its accompanying regulations and guidance documents, as amended.