

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB534

Hearing Date: Tuesday March 05, 2019
Committee On: Education
Introducer: Cavanaugh
One Liner: Require public postsecondary educational institutions to conduct an annual sexual assault climate survey

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Brewer, Groene, Kolowski, Linehan, Morfeld, Murman,
Pansing Brooks, Walz

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

SENATOR MACHAELA CAVANAUGH
SYDNEY BUTLER
BILLIE DOUGLASS

Representing:

INTRODUCER
SARAH ZULKOSKI
SELF

Opponents:

TAMI STRICKMAN
KRISTIN PETERSON
BEV CUMMINS

Representing:

UNIVERSITY OF NEBRASKA
NEBRASKA STATE COLLEGE SYSTEM
SOUTHEAST COMMUNITY COLLEGE

Neutral:

Representing:

Summary of purpose and/or changes:

Once every two (2) years, public colleges or universities must administer an anonymous sexual assault campus climate survey to its students.

Participation is voluntary and a student cannot face retribution or negative consequences for declining to participate.

Each public college and university must develop a survey and must establish procedures for its administration on each campus.

By September 1st of each odd numbered year, beginning in 2019, each public college and university must electronically submit a report to the Legislature that includes 1) the results of the survey and 2) information about the number of sexual assault complaints made to the institution during the two-year period.

This report cannot include personal information of victims or perpetrators.

The public college or university must post this report on the web site for each campus and in any other manner or venue the institution deems necessary or appropriate.

The report must contain the following information:

- a) Types of sexual misconduct;
- b) The outcome of each investigation into sexual misconduct; and
- c) Disciplinary actions taken by the institution.

By January 1, 2020, each public college and university must "develop a program for training for all individuals involved in implementing student grievance procedures relating to sexual assaults or sexual misconduct policy violations, including individuals responsible for resolving complaints and interviewing alleged victims."

This training may be developed in consultation with state or local victim services organizations.

These individuals must receive training no later than the beginning of the 2020-21 school year.

Explanation of amendments:

AM 686 strikes all original language and replaces LB 534.

AM 686 requires public postsecondary institutions to electronically submit to the Clerk of the Legislature and the Education Committee of the Legislature a report regarding sexual violence, dating violence, domestic violence, and stalking. This report must be submitted by September 15th of this year and by this date on each odd numbered year afterwards.

The report must include:

- a) Results of any campus climate survey related to sexual violence, dating violence, domestic violence, and stalking; and
- b) Information related to the training provided to Title IX coordinators, investigators, and decision makers regarding sexual violence, dating violence, domestic violence, and stalking.

The report cannot contain 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 pursuant to Neb. Rev. Stat. Sec. 84-712.05.

For the purposes of this bill:

- a) Postsecondary institution has the same meaning as in section Neb. Rev. Stat. Sec. 85-2403: any institution with a physical presence in Nebraska that provides postsecondary education and is exempt from the Private Postsecondary Career School Act. Exempted institutions can be found in Neb. Rev. Stat. Sec. 85-1604.
- b) Sexual violence is defined as sexual acts perpetrated against a person's will or when a person is incapable of giving consent by reason of, but not limited to, i) the person's age; ii) the person's use of drugs or alcohol; or iii) an intellectual or other disability that prevents such person from having the capacity to give consent.
- 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 such law, regulations, and documents existed on January 1, 2019.

Mike Groene, Chairperson