

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**GROENE:** [RECORDER MALFUNCTION]-- public hearing. My name is Mike Groene from Legislative District 42. I serve as Chair of this committee. The committee will take up the bills in the posted agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. You are the second house of the Legislature. Please turn off your cell phones and other electronic devices. Move to the chairs at the front of the room when you are ready to testify, first come, first serve. No need to be polite, just get in the chair. The order of testimony is introducer, proponent, opponent, neutral, and closing remarks. If you will be testifying, please complete the green testifier sheets and hand it to the committee page when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute. If you're not going to publicly testify or need to leave early, you may turn in written testimony with the completed green testifier sheet. We need 12 copies for all committee members and staff. If you need more copies, please ask a page to make copies for you now. When you begin to testify, please state and spell your name for the record. Please be concise. It is my request that testimony is limited to five minutes. We will be using a light system. Green will for four minutes, yellow for one minute, and wrap up your comments. If you would like to support or opposition to be known but do not wish to testify, please sign the white form at the back of the room and it will be included in the official record marked opponent or proponent. If you are not testifying in person on a bill-- yeah, if you're not doing it personally, you can send an email or letter into my office, the Chair office, and we will put it in a record if it comes before 5:00 the preceding day. Additionally, the letter must include your name and address, state a position of for, against, or neutral. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. Committee members with us today will introduce themselves beginning at my far right.

**MURMAN:** Hello, I'm Senator Dave Murman, District 38: Clay, Webster, Nuckolls, Franklin, Kearney, Phelps, and southwest Buffalo County.

**LINEHAN:** Good afternoon, I'm Lou Ann Linehan from Elkhorn, Valley, and Waterloo in western Douglas County.

**WALZ:** Lynne Walz, District 15: Dodge County.

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Education Committee March 12, 2019

**BREWER:** Tom Brewer, District 43: 13 lucky counties of western Nebraska.

**KOLOWSKI:** Rick Kolowski, District 31: southwest Omaha.

**GROENE:** Senator Pansing Brooks and Senator Morfeld haven't indicated any other way, so we expect them to be here. They might be introducing bills in other committees. I'd like to introduce committee staff. To my immediate left is legal counselor, counsel Amara Block. To my right at the end of the table is committee clerk Trevor Reilly. If the pages would still, would stand and I'll introduce them. Erica Llano, a sophomore at the University of Nebraska-Lincoln studying political science and sociology; and Maddie Brown, a junior at the University of Nebraska-Lincoln studying political science. If you have handouts, those are the young ladies you hand them to. You might see committee members on their computers or on their phones, not talking but texting to their staff to get information so that we can be precise when we ask you questions. So that's, we'll start the hearing. First bill up, I will be introducing as committee Chair. Vice Chair Senator Walz will handle the meeting.

**WALZ:** We're going to open with LB431, Senator Groene.

**GROENE:** Thank you, Vice Chair Walz and committee members. My name is Mike Groene, M-i-k-e G-r-o-e-n-e, I represent District 42. LB431 is a bill that usually comes up every, every biennium budget cycle that the committee addresses what the, what the Appropriations Committee informs us of how much money is available to, for increased spending for public schools. So I have distributed to you AM656 and, which replaces LB431 which was the shell bill because we had no idea until the end of March or the end of February what the Appropriations Committee was going to report to us. AM656 replaces the bill to match the numbers given to us by the Appropriations Committee. In simple terms, AM656 would revise the Tax Equity and Educational Opportunity Support Act, TEEOSA, by setting the base limitation rate at 2.15 percent pursuant to Nebraska revenue Statute 77-3446. The base limitation may be adjusted annually by the leg-- by statute-- the base limitation may be adjusted annually by the Legislature to reflect changes in the prices in service and products used by school districts. Two years ago this committee advanced and the Legislature passed LB409, which reduced the base limitation from 2.5 to 1.5 percent for school years 2017-18 and 2018-19. At that time we also adjusted the option funding, we also adjusted the local effort rate. The amount of money needed this year is not nearly as much as it was

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Education Committee March 12, 2019

two years ago so we're able to adjust just one factor. With AM656 we will-- we are proposing after school year-- I already said that. And the following year, the biennium, it would be back to 2.5 percent for school year 2020 and '21. The net effect of this change would be to increase TEEOSA state aid by approximately \$134.7 million over the biennium, which reflects the recommendation by the Appropriations Committee. The change provides the necessary budget growth needed for school districts to meet their financial obligation in educating our students while realizing the fiscal crunch that the state is in. However, because our current fiscal climate is still fluid in nature, we may need to make additional adjustments in the overall state aid amount if deemed necessary between now and the final passage. A member of the Department of Education is available to testify to AM656 to answer any technical questions if you have them. Like I said, and this will be a committee priority bill. It needs to be. And if we need to amend any other corrections from the Department of Ed, it will be amended into this bill. Any questions?

**WALZ:** Questions for Senator Groene. I see none, thank you. Proponents? Do we have any opponents that would like to speak on the bill? Anybody in the neutral capacity to speak? Go ahead.

**DAVE WELSCH:** Good afternoon Senators. My name is Dave Welsch, D-a-v-e W-e-l-s-c-h, I'm here to testify in a neutral position on LB431. I began farming while still attending UNL and graduated with an ag education degree in 1980. I currently serve as president of the Milford Public Schools Board of Education, I've served on the board for 20 years. LB431 is a bill which has the potential of adjusting the local effort rate for schools, which would then impact the amount of equalization aid a school could receive. Since the beginning of TEEOSA Milford has been an equalized district. Since 1990 equalization aid has helped to bring closer together the tax levy across the three school districts in Seward County. In 2011 Milford's state aid totaled \$2.5 million and seven years later, in 2018, it totaled just \$900,000, a loss of \$1.6 million. In 2011 Milford's general fund property taxes were \$3.2 million and in 2018 property taxes totaled \$5 million. An increase in property taxes of \$1.8 million. Allowing for a small amount of inflation over those seven years you can see that \$1.6 million of decreased state aid, sales, and income taxes has shifted to an increase in local property taxes. In all rural equalized school districts across the state we're in a similar tax shift and tax increase, which also occurred for them. Education spending is not the reason for increased property taxes. At Milford over the past 10 years

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Education Committee March 12, 2019

our general fund spending has increased by an average of 2.1 percent. In the past three years it has increased by an average of a negative 1.5 percent. The reason for the, our dramatic tax shift onto property taxes was due to ag land doubling in value from 2010 to 2015. This unprecedented and unanticipated increase in ag land property values could not be compensated for within the current TEEOSA formula. Therefore my property taxes doubled from \$11,000 to \$22,000 in just five years. The TEEOSA formula needs adjusted to compensate for this increase in ag land valuations. Many bills have been introduced to increase revenue to provide property tax relief. Most of these are working their way through the Revenue Committee. Once revenue is raised the first step is to correct the TEEOSA formula in regards to the increase in ag land values. Ag land values within the formula need adjusted down immediately to around 40 percent or less. This simple step will send equalization aid back to the schools districts that were the first to lose out on state aid and were the first ones forced to shift that loss of state aid onto property taxes. The next step would be to increase SPED reimbursement to all school districts from the current 50 percent to 80 percent, as originally planned for in TEEOSA. Increasing SPED reimbursement will assist all school districts, but will especially be helpful for smaller districts which have smaller budgets and where just one or two high-needs SPED students can create havoc within their budgets. Another avenue to lower property taxes is to provide supplemental state aid which is outside of the TEEOSA formula to all students. This would lower all property taxes across the state. I also support legislation to fund a TEEOSA study, a comprehend, comprehensive study may help to bring all of these ideas together to help enact a law that will serve both taxpayers and to educate our children. But that doesn't mean we should wait for a study to make changes. I also believe that the Revenue Committee is made up of the best eight senators to put their heads together to come up with a compromise bill to be sent to the floor of the Legislature. Once a bill reaches the floor then all 49 senators will have the opportunity and the responsibility to enact legislation that can balance the needs of taxpayers as well as educators and, most importantly, Nebraska's students. Thank you for your time, and I would be willing to take any questions.

**WALZ:** Thank you so much for coming this afternoon. Questions? Senator Murman.

**MURMAN:** Thank you. And thank you for coming in. I don't have so much question as a comment. I'm a farmer also, so I definitely realize the

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Education Committee March 12, 2019

problem that we're in and how it came about. And you vocalized it very well, so thanks a lot.

**DAVE WELSCH:** Thank you. And I, I wasn't aware of the amendment that Senator Groene had put forth with kind of the numbers and stuff, but certainly the lowering of the local effort rate would certainly help all equalized districts, and especially those out the rural areas. But the adjustment in the ag land valuation needs to be one of the first steps taken to rebalance the equalization across the state because nobody could anticipate the ag land doubling in five years.

**WALZ:** Senator Brewer.

**BREWER:** Thank you, Madam Chairman.

**BREWER:** I just got back from four-day western Nebraska tour with about a half a dozen town halls. And the numbers that they gave me and the concerns they expressed are a mirror of what you have in this letter. So there's a lot of folks that can't get here to speak, so thank you for this.

**DAVE WELSCH:** Yeah, I'm just 30 minutes away so I have the opportunity to do it. And, yes, I wish I could write on there that I represent all rural equalized districts, but obviously I don't have the authority to do that.

**BREWER:** Well, you did a good job of summarizing it.

**DAVE WELSCH:** Thank you.

**WALZ:** Any other questions? I see none. Thank you so much for coming today.

**DAVE WELSCH:** Thank you.

**WALZ:** Any other, any other people want to speak on the neutral capacity? Senator Groene, would you like to close?

**GROENE:** Thank you. I hope the last testifier doesn't see this bill pass, because if this bill passes that means we failed again to address property taxes through addressing funding for our schools, through what the package is-- whatever this Legislature puts together as a property tax school funding package. If this bill comes to a vote

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Education Committee March 12, 2019

and passes, we failed. So hopefully this bill dies on the floor. Thank you.

**WALZ:** Oh, yes, I do have, I have some letters. Opponents: Dr. Rob Winter, executive director of Greater Nebraska Schools Association. Thank you.

**GROENE:** That brings us to LB180 by Senator Bolz.

**BOLZ:** Good afternoon, Education Committee. I am Senator Kate Bolz, that's K-a-t-e B-o-l-z. And this afternoon I bring you LB180. This is a bill to expand the programs that are available for the Community College Gap Assistance Program. The program was created in 2015 to provide community college students with funding to help defray educational costs for instructional programs that lead to certified credentials, skill levels in in-demand occupations, and to get participants into the work force quickly. Neither noncredit instructional programs nor very short-term for-credit instructional programs are eligible for federal financial aid. In fiscal year 17-18, the program's first year, Nebraska's community colleges offered 349 approved programs across the 12 categories of in-demand occupational categories. As of June 30, 2017, 178 applicants had been approved to participate in gap and 102 students had completed their training with the support of this program. Participation in the program increased each year, adding more qualified workers to our labor force. Participation is expected to increase in the upcoming years and investments can be made to increase utilization. Improvements will result in more Nebraskans acquiring the training they need to become employed or advance their current positions. Currently the gap tuition assistance program is available for programs offered by a community college that are not offered for credit but are aligned with training programs with stackable credentials that lead to a program awarding college credit, an associate's degree, a diploma, or certificate in an in-demand occupation. These program courses must also have a duration of not less than 16 contact hours in length and meet any of the following criteria. Offering a state, national, or locally recognized certificate; offering preparation for a professional examination or licensure; providing an endorsement for an existing credential or license; or represents a recognized skill standards defined by an industrial sector, or offers a similar credential or training. Here's where the rubber hits the road. LB180 would expand the program offerings available for gap tuition assistance students to include specific for-credit courses or short-term programs that lead to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

certifications, licenses, or skill levels equivalent to the noncredit programs. Two examples of this are certified nursing assistants programs and commercial driver's license programs. These are two programs most often completed by students in Iowa's gap tuition assistance program, which was the model for Nebraska's program. But they are not represented in Nebraska's gap program because at most of Nebraska's community colleges these credentials are earned and credit-bearing courses that can be included in lengthier programs of study to allow students to be eligible for federal financial aid. So the gap tuition assistance program is a useful tool for work force development. This small expansion would maximize the value of the program that has already demonstrated success in our communities and for our students, and would better maximize existing lottery funds that this committee graciously bestowed to it. I will thank the committee for previous support of the gap tuition assistance program when it was created in 2015 using lottery doll, dollars and for your support of this exact same bill last year, which the committee voted out unanimously but we weren't able to find a vehicle for passage last year. So I think all of the arguments from last year remain relevant this year. I think the remaining time available will give us better proof of concept for use of these dollars far more for-credit programs. With that, I'll answer any of your questions.

**GROENE:** Any questions? Senator Kolowski.

**KOLOWSKI:** Thank you, Mr. Chairman. Senator, what was the maximum amount of money that took place in the last, it was two years ago, was it, when it started?

**BOLZ:** Are you asking the amount of money that can be given to a student or are you asking about the amount of money that was expended by the program?

**KOLOWSKI:** Total program.

**BOLZ:** Total program. Let's see if I can find that.

**KOLOWSKI:** And then approximately how much would be available this year in the funding as we look at this, please.

**BOLZ:** Yeah, it's, it's an annual report. Let me, let me find it here quickly. You know, Senator, it might be more expeditious to ask that question of Mike Baumgartner with the Coordinating Commission for

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

Postsecondary Education, just because he will have time to dig it out. But we are underexpending.

**KOLOWSKI:** Thank you.

**BOLZ:** OK, thank you.

**GROENE:** Proponents?

**DENNIS HEADRICK:** Good afternoon. My name is Dennis Headrick, D-e-n-n-i-s H-e-a-d-r-i-c-k, I'm vice president of instruction for Southeast Community College. I appreciate the opportunity to share some information with you today on this bill. And first let me say thank you to Senator Bolz for getting the initial bill for gap funding approved to help individuals. You may not always hear the positive outcomes, but let me share with you a quick little story. Jill, a retired 76-year-old female, found herself in a situation where she had just lost her spouse and realized they were deeply in debt and she needed to go back to work. And she had been a trained RN but her license had expired. And through the gap funding she was able to take an RN refresher course to get that license renewed and for her to be able to get a job. She's very appreciative of this program, and she would have liked to have been here today to tell you her story personally, but she's working. That's the impact that this gap funded opportunity is having on fellow Nebraskans. So I applaud you now for the amended act to include credit courses certificates. At the college we do, as Senator Bolz had also mentioned, we have two areas of high demand that will benefit greatly from this change: healthcare, truck driving. We have a certificate in both of those that ranges from 12 semester credits to 18 semester credits, all of which can be completed in a semester or, depending on how much time a student has to take to take courses, could be a little bit longer. But with tuition and \$100 hundred dollars a credit hour, you're looking at \$1,200 to \$1,800 that they may not have available. And these are short-term certificates so they don't qualify for the financial aid. But by providing them some gap funding would be a life changer for many of those students. Other individuals have also come to us where maybe they're currently working in jobs that don't pay as much. But between a husband and a spouse they're earning enough that they don't qualify for financial aid. But they'd like to go back to school to increase their skills and abilities. They may not qualify, but this would give them the chance to start by taking another course and to get started again in college. This funding would then provide them with that opportunity to earn a certificate, maybe even lead on to an associate's degree or beyond. So



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

this change makes that possible for those individuals. SCC has not being able to utilize all of their funds that we have received, just due to the limited offerings that we do in noncredit. With this addition, by adding credit courses, we'll be able to provide a lot more choices for students. So I appreciate the work that you're doing and would encourage this committee to approve this bill, move it forward to the full Legislature as a priority. Get it approved so we can continue to help those individuals who want to improve their lives and help their family. So thank you. I'd be willing to answer any questions.

**GROENE:** Any questions? Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. Real quick on the, let's take for example the nurse refresher. How long is that?

**DENNIS HEADRICK:** Typically it's just a few weeks where they're able to take that and get that completed.

**BREWER:** And the gap, normally is there a percent of the cost that it fills, or how do you determine the amount that that gap-- a scholarship or how do you determine how much a student gets. Is it by the length of the course that they're in or the total cost of the course?

**DENNIS HEADRICK:** I believe it's on a per-case basis. Representatives from the Coordinating Commission will be able to give you the detail on that.

**BREWER:** All right. And you listed healthcare, what was the other one? There was another one you said.

**DENNIS HEADRICK:** Truck driving.

**BREWER:** Truck driving. Thank you.

**GROENE:** Senator Kolowski.

**KOLOWSKI:** Thank you, Mr. Chairman. Mr. Headrick, the surrounding states, are they in about the same mode as far as with this passage would we be in the same status as they are as far as credit and noncredit? Or is there a difference between locations as you look at different states?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**DENNIS HEADRICK:** Are you asking in terms of like credit hours and things?

**KOLOWSKI:** Yes. Credit hours and cost.

**DENNIS HEADRICK:** I would say credit hours would be very similar because most of the states in this region do fall under the Higher Learning Commission out of Chicago, which we all need to follow their, their rules. In terms of costs, that probably varies by state and institution as to what they might charge in terms of--

**KOLOWSKI:** So it varies across the board? Are they giving the same scholarships for the same areas as we are or are we catching up with them?

**DENNIS HEADRICK:** Not sure I can answer that for a lot of states. But I do know, at the time when this funding was initially being considered, Iowa was looking at this and had a gap funding proposal. And I believe we're very similar in that regard.

**KOLOWSKI:** Thank you.

**GROENE:** Any other questions? Thank you, sir. Next proponent.

**MIKE BAUMGARTNER:** Mr. Chairman and members of the Education Committee, thank you for the opportunity to appear, appear before you today. My name is Mike Baumgartner, M-i-k-e B-a-u-m-g-a-r-t-n-e-r, I'm the executive director of the Coordinating Commission for Postsecondary Education. I'm here to testify in support of LB180. I want to go over everything that's been spoken before, but let me fill in a few details from questions that have come up and add a little bit to it. The program is in its third year now. And as of, as of today there are 371 programs approved by the Nebraska Community College Student Performance and Occupational Education Grant Committee. The program's first two years 305 participants were improved-- were approved to participate, 75 percent of those completed the training. The majority of the training was provided in construction, precision metals manufacturing, transportation, and health services. First year expenditures were \$265,200; second year, \$542,597. The amount that comes from the lottery each year is about \$1.4 million so there is a balance that we could spend down if the programs were expanded. And there's, there's money there to take care of adding these students. LB180 will extend grant funding to short-term for-credit programs that are not eligible for federal Pell grants or the state's Nebraska

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

Opportunity Grant Program, which is also only for for-credit programs. Currently to be eligible for Pell funding vocational programs must be at least 600 clock hours, 16 semester hours, or 24 quarter hours offered during a minimum of 15 weeks. There have been proposals in Congress for the past several years, mostly related to the Higher Education Act reauthorization to reduce the number of credit hours and a 15-week minimum to make vocational programs more eligible for Pell grants. But none of these has been, have been implemented at this point. LB180 is written to accommodate such changes. Thus if Pell Grant eligibility is granted to programs of, let's say, eight semester hours over eight weeks then shorter term programs meeting to gap criteria would still be eligible for gap funding. So we would, so even if the federal government extends Pell down into some of these programs-- and I don't know if they will, but they might-- the way that this is written we would still be able to pick up short-term programs and use the funding for that. So if it's a three credit hour CNA course and Pell was, was accommodating eight credit hour courses, that still wouldn't be accommodated by Pell, but it would be by this. So we've tried to make sure that we can pick up anything that will not be reached by Pell Grants if they do extend their eligibility farther. I'd be happy to answer any questions.

**GROENE:** Any questions? Senator Kolowski.

**KOLOWSKI:** Thank you, Mr. Chairman. Mike, thank you for your presentation and for the work that you do. Would you tell us about the counseling services at the community colleges and what are they doing as far as reaching out and getting to the high schools throughout their different communities to have the students rethink, maybe, where they are and what they want to do in the future, rather than a four-year degree many times?

**MIKE BAUMGARTNER:** Well, this particular program is not so much for those students, although there are some that will come into the program. There is money specifically within this program to counsel the students who come in. In fact, they have to meet with faculty members and counselors to be declared eligible for the program. And they, and also have to agree to work their way through the program and seek employment. So this is, this doesn't exactly get to that, but I know that the colleges are working much more with high schools through the dual credit program, through, through career centers, career academies. There are a number of community college presidents here today who can give you specifics on what they were doing, but

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

they're-- for this program it's mostly adults coming in not, not coming in directly from high school. Although it will work for those students that, if they're eligible for it, this is a good way to get them into the work force too. If, if they didn't make up their mind in high school and they need to, need to fill that gap in their education this is good for them as well.

**KOLOWSKI:** Thank you.

**GROENE:** Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. The term "gap", is that an acronym for something or is it just implying that it fills a gap between Pell?

**MIKE BAUMGARTNER:** It fills a gap.

**BREWER:** Yeah, OK.

**MIKE BAUMGARTNER:** Just fills a gap.

**BREWER:** And then when you were talking about the expenditures with the \$265 and the second year it's \$542, and then you talked about the \$1.4 million which is lottery money. Where does the difference go now between the \$542 and the \$1.4 million?

**MIKE BAUMGARTNER:** It's retained by the colleges. The money is distributed to the colleges so whenever they get additional students they will have additional funds to spend. And if this bill were to pass then we would have many more students, I think, come and be able to spend that money down.

**BREWER:** So there wouldn't be a net loss to another program somewhere, it would be resources that if it, if we moved it forward it wouldn't be a direct impact on anything?

**MIKE BAUMGARTNER:** That's, that's correct. The money is, the money is there and ready for those students.

**BREWER:** Thank you.

**GROENE:** Any other questions? So clarify, could you clarify, sir, what you just said? You get 1-- 9 percent of the lottery money that goes to education and then you dispense it out to the colleges. Or do you keep it in a general fund?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**MIKE BAUMGARTNER:** No, it's dispensed to the colleges.

**GROENE:** How? What ratio or--

**MIKE BAUMGARTNER:** By, and I believe it's REUs, either FDE or REUs. But it's, it's based on an enrollment. I think it's REUs.

**GROENE:** Which means?

**MIKE BAUMGARTNER:** Weighted educational units that are, are based on the number of credit hours and reimbursable units that are weighted by either one for general ed, one and a half for technical, and two for a more technical--

**GROENE:** And they report back to you each student and how much was given, and then they account for the balance so it's always accounted for?

**MIKE BAUMGARTNER:** Yeah, yeah, they report-- I'm sorry.

**GROENE:** Then it's used for this program?

**MIKE BAUMGARTNER:** Yes, it has to be used for this program. They report to the to the grant committee every year. The committee is made up of representatives of community colleges, the commission, the State Board of Education, Department of Labor, and Department of Commerce. So they meet and review who the money has gone to and--

**GROENE:** What, do you know what the average is of each student? I would think one semester, one year--

**MIKE BAUMGARTNER:** Well, it's short term. Some of them are fairly high. Some can run into the thousands for precision metal courses. Some that are very short-term IT courses might be \$300 or \$400, so it just depends on the programs that they're offering.

**GROENE:** And it's low income.

**MIKE BAUMGARTNER:** It is low income, yeah. We do have an annual report that Senator Bolz mentioned, and I will make sure that everybody gets a copy of that report.

**GROENE:** So is it 100 percent scholarship or--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**MIKE BAUMGARTNER:** It is used for tuition, direct training costs, tools, equipment, anything licensing costs that they have to take a test for a certification. It can be used for any of those things.

**GROENE:** But right now you're using about 40 percent, 30-40 percent of the total every year?

**MIKE BAUMGARTNER:** Yes. Right.

**GROENE:** And it seems like-- we've got a list here of all of the programs. Looks like you're approving programs as we go. You've got some that you just approved in January of '19.

**MIKE BAUMGARTNER:** Yeah, we do, we do add programs as they bring them, bring them to us. If they meet the criteria and there's a demand then we're trying, trying to use the money to meet the needs of the colleges.

**GROENE:** Can you reiterate what programs? Welding is already covered.

**MIKE BAUMGARTNER:** Well, there are--

**GROENE:** Chauffeur's license for trucking would be new, right?

**MIKE BAUMGARTNER:** Well, some offer that for credit, some offer it for noncredit. Most of them are offering it for credit. So this bill would expand it to them. But Western, for instance is, is offering that as a noncredit course.

**GROENE:** So maybe the college people can handle, tell us how easy it is for somebody to access this when they enroll.

**MIKE BAUMGARTNER:** Yeah. I mean, there is, there is a vast number of things that are covered in this: professional bookkeeping with Quick Books, social media business certificate, carpet floor installer, concrete in practice, plumbing apprenticeship certificate, medical assisting, pharmacy tech certification preparation. There are just hundreds and hundreds of things that fall into categories that are set in statute is as high-need areas for the state. So transportation, logistics, health service, hospitality, tourism, business, precision metals manufacturing.

**GROENE:** But we have appropriated fully the amount of the 9 percent.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**MIKE BAUMGARTNER:** Yeah.

**GROENE:** That comes in in revenues from lottery. Thank you. Any other questions? Thank you, sir. Next proponent. No more proponents? Guess I won't get to ask my question of some administrator. But next up, opponent? Neutral? We received proponent correspondence from Metropolitan Community College and the program associate from Nebraska Appleaseed. Opponents, none. Neutral, none. Senator Bolz.

**BOLZ:** I just came back up to answer your question. I think what you were, what I heard you asking was how easy it is for a student to apply for and receive funds. There are a couple of reasonable steps. The first is that the student has to enroll and meet the qualifications for pursuing their course of study to begin with, and then they have to provide certification of all other sources of income, if they have a grant from their local Kiwanis Club, or what have you. And then the community colleges support the documentation of the applicant's ability to achieve the outcomes in order to draw down the funds. So I would say that the majority of the student's responsibility is qualifying for the program of study that they are pursuing in the first place, and then the rest is just documentation around their other sources of income.

**GROENE:** But my question, I guess my concern is a community college runs an ad: We're going to have a welding class or an upholstery class, and it's going to be first semester for 10 meetings and it's \$300. I mean, to go through to prove you're low income, to fill out a report, to apply for a Pell grant, it seems to me like a lot of people would just say it isn't worth it for 300 bucks or 500 bucks. They just won't take the class. Because, I mean, when you're applying to a four-year college and you're looking at Pell grants for eight semesters or even a two-year program it's a little different. I'm wondering if, if the application process is so burdensome to take a-- that we're just not getting the applicants.

**BOLZ:** These, these students are not-- sorry, let me say that differently. These programs of study are not Pell eligible now, so they shouldn't have to apply for Pell.

**GROENE:** --as all of them.

**BOLZ:** Right.

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Education Committee March 12, 2019

**GROENE:** But they still have to prove low income and fill out the forms.

**BOLZ:** They do have to meet the income qualification requirements. I mean, I suppose you have a point. If we change the income qualification requirements we might have more students under the program as it exists. But I think part of the, part of the goal of the program was to target students who otherwise can't afford to pursue the credentials.

**GROENE:** It's not a grade point average, grades are important. You get somebody who has been out of school for 15, 20 years.

**BOLZ:** Right.

**GROENE:** The trigger point is income.

**BOLZ:** Their eligibility is based on their income eligibility and their, through their initial assessment through the community college of just of their ability to complete the program of study that they want to pursue. So they do an initial assessment, every community college student does an initial assessment. If you are pursuing a nursing program, you're probably going to have to prove, prove that you have the basic literacy to read the textbook to become a nurse. But it's not any more onerous-- that to qualify for the financial assistance it's not any more onerous than a community college student would otherwise have to do to pursue their program of study.

**GROENE:** But this doesn't go to the full two-year programs, right?

**BOLZ:** Right.

**GROENE:** To be a nurse.

**BOLZ:** Right.

**GROENE:** All right, thank you.

**BOLZ:** Thank you.

**GROENE:** Senator Kolowski.

**KOLOWSKI:** Thank you, Mr. Chairman. How many of these programs might be able to be taken as a junior or senior in high school as far as eligibility for some of the possibilities on those programs? Or are



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Education Committee March 12, 2019

they all flat out just after high school? You can't, you can't get into a program earlier or anything of that nature at this time?

**BOLZ:** I don't see any reason why these programs wouldn't qualify for dual enrollment. I don't see any reason why many of these programs wouldn't be a part of a program of study that you currently qualify for your ACE program. But if you cannot complete during your junior or senior year of high school and you are from a low-income family, you may need the remainder of the tuition assistance or the books or the tools in order to complete your program of study.

**KOLOWSKI:** So and Pell Grants are not disallowed for high school students, are they? Can they, can they take them?

**BOLZ:** I don't know. I don't know if there is a prohibition against a high school student receiving a Pell Grant.

**KOLOWSKI:** Thank you.

**GROENE:** Thank you. Any other questions?

**BOLZ:** OK, thank you.

**GROENE:** Closes the hearing LB180. We-- LB702, Senator Cavanaugh.

**CAVANAUGH:** Good afternoon. I just have to pull up my-- apologies, I was in executive session before running down here. My computer is not working, so I'm going to read this very small print. There we go. Good afternoon, Chairman Groene and members of the Education Committee. My name is Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h, and I have the privilege of representing District 6 in west central Omaha. I am here today to introduce LB702, the Nebraska Campus Safety Act. This bill seeks to put into state statute federal laws that provide reporting mechanism and commendations for universities and post-secondary educational institutions to explain how they handle campus sexual assault. This is a difficult topic, and one that we've seen a lot in the national news. The Omaha World-Herald reported that across all of our state university's four main campuses, Nebraska averages about 18 assaults a year. They may seem relatively low, until you're aware that, according to the Department of Justice, 90 percent of survivors do not report. So I bring this bill to you today so that we can make sure that we have language in our state statute protecting our students, requiring training for incoming students, consent-- and training for incoming students over consent, drugs, and alcohol, and

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Education Committee March 12, 2019

reporting options and resources to information, trauma, informed responses for training for Title IX, and campus safety officers, bystander intervention training and programs, on-line and anonymous reporting for survivors concerned about reprisal attacks, uniformed information, and definitions for consent and the different kinds of campus sexual and dating violence. I would like you to consider that the prevalence of false reporting is low, between 2 and 10 percent, and that is why this bill would seem to be skewed towards perhaps supporting the victim more than the accused. Currently, the, most post-secondary institutions do not take into consideration the impact of how they're handling their situations, what, how it impacts the victim. And while I agree with our justice system's approach of innocent until proven guilty, it still is really important for our university systems, our post-secondary institutions, to be putting the well-being of their students who are likely victims of sexual assault, sexual violence, to put their needs at the forefront. Not to disregard the needs of the accused, who is also most likely a student, but to not put their needs ahead of the student that is the assumed victim in the situation. So we have several testifiers here today, and I appreciate that the committee is here to listen and ask them questions as needed. And I appreciate your time and care with this very delicate situation. And I'm happy to take any questions that you might have.

**GROENE:** Any questions? Senator Kolowski.

**KOLOWSKI:** Thank you, Mr. Chairman. Thank you, Senator. I appreciate it very much on this topic. How many, in your knowledge of the colleges and universities across the state at every level, how many are lacking in the script of having something like this before them in their rules and regulations as far as campus?

**CAVANAUGH:** So, as far as my knowledge goes, they all have something in, in their regulations. And I did work with the University of Nebraska system, the state colleges, and the community colleges on this bill, which I believe you should all have an amendment to the green copy. There should be a white copy. I'm not sure if it's been distributed. Or do I have it? OK. If you don't have it, I'll get a copy for you. So I worked with all of them on it. They do-- it is informed by policies that they currently have. And we just got the, the new amendment done yesterday. So there is a potential that there will be a continuing conversation about this, and I'm sure we'll hear from them this afternoon as well. This wasn't intended to be a punishment for the universities or the colleges or the community

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Education Committee March 12, 2019

colleges, but more to just bring everybody onto the same page that how we as a state expect these sorts of situations to be handled by these institutions. I hope that helps.

**KOLOWSKI:** I'm assuming they're on different pages right now, because different--

**CAVANAUGH:** Well, they have varying degrees. Yeah. And this might be a little bit further than some of them currently go. And it might be exactly what some of them are already doing. So it's just kind of bringing everybody to the same page.

**KOLOWSKI:** Thank you.

**GROENE:** Any other questions? Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. All right, so we're not sure if there's anything happening now that would be different or that this bill changes anything.

**CAVANAUGH:** There will be.

**BREWER:** There will be. So we've got a big fiscal note that normally dooms bills.

**CAVANAUGH:** So the amended copy addresses the fiscal issue. We worked with the, all of the institutions to amend it so that there is not a fiscal note. But of course, we haven't gotten that through to the Fiscal Office.

**BREWER:** I guess, the next issue is it seems like we constantly get hammered on this issue of local control and not micromanaging schools, let alone colleges. Is our concern that that's not exactly what we're doing here?

**CAVANAUGH:** Well, this is a public safety issue within our college and university and community college setting, and so I would say that it's not really a local control but a public safety issue. And we're ensuring the public safety and education and information is being adequately shared.

**GROENE:** Have you worked with the universities and the colleges on this? Met with them?

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Education Committee March 12, 2019

**CAVANAUGH:** I have, yes. And we're not quite in agreement, fully. But I think that we can get there if there are continued conversations. But we'll hear from them exactly what the issues are, I suppose, today. They all have been given the amendment, and we had conversations about the previous version.

**GROENE:** In the past [INAUDIBLE] not allowed to micromanage. We'll find out if they say the same thing. Thank you. Senator Walz.

**WALZ:** So thank you for coming today. These policies are going into the university handbook, the student handbook? How are these going to be incorporated?

**CAVANAUGH:** So, and I'm sorry, I'm not 100 percent on the latest version. I was more familiar with the first version. But the policies will be implemented by the university. And there's various parts will be, the universities, state colleges, and community colleges, dependent on what part of the policy you're talking about, it would be part of the student handbook or orientation or on-line materials that are available. So there's, there's a lot of different parts to it. So they'll reside in different locations, depending. But it will be an institution policy ideally.

**WALZ:** OK.

**GROENE:** But where would this fit under our statutes?

**CAVANAUGH:** So it is under--

**GROENE:** Title IX?

**CAVANAUGH:** Well, it's under Title IX, but--

**GROENE:** Anyway, that's fine. You can answer it in closing.

**CAVANAUGH:** Yeah, I'll have to look that up. Sorry.

**GROENE:** That's fine. Any other questions? Thank you. Proponents.

**BILLIE DOUGLASS:** Good afternoon Senators. My name is Billie Douglass, B-i-l-l-i-e, excuse me, quick-- D-o-u-g-l-a-s-s, and I am in favor of LB702. I am here today as the president of Generation Action, a newly formed social justice group at Nebraska Wesleyan, but I do not represent the university. As some of you might remember me from last week, when I spoke on behalf of LB534, I have a passion for campus

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

safety and student awareness. I am back here today to speak on behalf of not only myself, but also for my group of organized, passionate students. We wish we could tell you that we feel safe every single day on my campus, on our campus. We wish we could tell you that we each knew all the steps to obtain a protective order. We want to tell you that Nebraska Wesleyan is perfect and that there is no need to be scared. However, we can't tell you these things, because we know all too well the dangers that still exist, not only on campus but off campus as well. Nebraska Wesleyan is small and surrounded by a residential area. On a bad parking day, which is almost every day for Wesleyan, you could be right in front of an apartment building or a home on a public street. If a student was to be attacked by a fellow student or faculty member, it wouldn't constitute as being on campus, even though Acklie Hall is just a couple blocks away, clearly in view. LB702 would give students and faculty the ability and peace of mind to address these dangers in a way that the survivor can always feel heard, helped, and supported through one of the most difficult procedures they may have to go through in their lifetime. LB702 can also give the victim the power to turn down assistance if they so incline. This ability to choose and decide how you want to proceed with your attack is important and helps establish a sense of community and empathy that is most important in maintaining campus safety. Nebraska Wesleyan is a small, tight-knit community, but it is far from perfect. As I addressed last week, despite our size, the awareness of resources is limited. Students on campus are still confused as to who can provide them protection and assistance during a time of crisis. As our campus climate survey revealed, students believe that the Gender Advocacy Place, GAP, a student-run organization, is where they can receive professional assistance for a traumatic event like this. While GAP is full of empathetic students ready to lend a helping hand emotionally, they are not qualified legally or procedurally to get the students the protections they need. In 2000, the National Institute of Justice included in their report that fewer than 5 percent of women raped reported it. And I have included that page of the document in this testimony today. We at Generation Action find that number disheartening, but we believe that LB702 can help can help reduce that-- increase that number, actually. Pardon me. So reported, and help provide victims with more awareness and resources, so they can comfortably come forward and report the assault. Generation Action students of Nebraska Wesleyan strongly encourage you senators to please forward this bill out of committee, so as to give students the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

resources, safety, and help they need to be a successful and safe student in Nebraska. Thank you.

**GROENE:** Any questions from the committee? Thank you.

**BILLIE DOUGLASS:** Thank you.

**GROENE:** Next proponent.

**KENNA BARNES:** Hello, Chairperson Groene and members of the Education Committee. My name is Kenna Barnes, that's K-e-n-n-a B-a-r-n-e-s, and I'm from Omaha, District 8. I'm here to testify in support of LB702, to enact the Campus Safety Act in Nebraska. I'm a graduate student at the University of Nebraska-Omaha and a student researcher. Last year, as a part of my senior capstone project, I surveyed resident assistants from campus dorms via an anonymous survey tool about their views on campus sexual assault policies. After reviewing the surveys, it became clear that this population is in need of more hands-on trainings, with 5 out of the 15 respondents indicating that they wanted more extensive training. These results were surprising on many levels, specifically when it came to policy perception and knowing how to handle these incidents, as well as the perceived issue of sexual harassment on campus. Of those who surveyed, 43 percent of them believed their sexual assault training was only moderately useful. Four people reported that they had someone report sexual assault to them, and of the four, only two reported the assault, even though they all knew who to report to. Many resident assistants felt that they personally would participate in bystander intervention but indicated that they did not feel supported by UNO policy. A third of participants reported not likely at all, and over half said it was only slightly likely when asked if they believe the university would take steps to protect the person making the report from retaliation. They also reported harassment as the number one issue at UNO, with stalking close behind. After reviewing the, the Annual Campus Security and Fire Report for UNO, forcible sex offenses on campus doubled and stalking tripled from 2015 to 2016. Domestic violence on campus doubled from 2016 to 2017. Furthermore, domestic violence in housing increased five times in that same year, while stalking tripled on public property and doubled in housing between, between 2016 and 2017. According to the National Sexual Violence Resource Center, more than 90 percent of sexual assaults are not reported to law enforcement. So imagine if I would have had the data from every resident assistant or, yeah, resident assistant and every single sexually violent incident on the university campus. Why, with all of these increases and the

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Education Committee March 12, 2019

supporting data, are we not improving our standards and training? Why aren't we listening to not only survivors but the young people on the frontlines who are asking for more? The current policies in place are dangerous for too many people on campus and need intense re-evaluation. Education Committee, it is your job to protect the students on campus and foster a safe learning environment. You tell me, would you feel safe after doing the survey? Thank you, and I'm ready for any questions.

**GROENE:** Any questions? Senator Brewer.

**BREWER:** Well, I mean, the obvious issue here is there needs to be some people terminated at the University of Nebraska if these numbers are accurate. I mean, this hasn't been reflected in news articles. I mean, this is appalling. So, I mean, I this is-- I'm anxious to hear the University of Nebraska explain why these numbers can exist. So thank you for sharing this.

**KENNA BARNES:** You're welcome.

**GROENE:** Yeah, almost like a statistical apparition. How can it double in one year? What, what factor could--

**KENNA BARNES:** Unfortunately, that's not reported. So all it says is--

**GROENE:** What do you mean, not reported?

**KENNA BARNES:** So like all it says is that it doubled in numbers, so it was like three people had been-- which one are you referring to specifically? Just any of them?

**GROENE:** [INAUDIBLE] "After reviewing the Annual Campus Security and Fire Report for UNO, forcible sex offenses on campus doubled" and stalking tripled.

**KENNA BARNES:** Right.

**GROENE:** Domestic violence on campus doubled. It doubled again in '16-'17. Are more victims more willing to step forward?

**KENNA BARNES:** And that could be true. That could be reflective of that.

**GROENE:** Because their policies are good.

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Education Committee March 12, 2019

**KENNA BARNES:** Perhaps.

**GROENE:** And they've given the students the encouragement to report.

**KENNA BARNES:** Perhaps, yes.

**GROENE:** Not that the overall atmosphere has changed.

**KENNA BARNES:** Right. Right. And that could be true. And, you know, why not intensify those trainings as well. Specifically for the resident assistants, that's, that's where I'm coming from. The resident assistants I think need a lot more training. Yeah.

**GROENE:** OK. Any other questions? The next proponent.

**KENNA BARNES:** Thank you.

**GROENE:** Thank you.

**ANNA MARIE STENKA:** Hello. My full legal name is Anna Marie Stenka, spelled A-n-n-a M-a-r-i-e S-t-e-n-k-a. I otherwise go by Mar Lee, M-a-r L-e-e, and use they, them, theirs pronouns. And I am here today as a survivor of sexual violence here to testify as a proponent of LB702, otherwise known as the Campus Safety Act. While on a faculty-led study abroad trip through the University of Nebraska-Lincoln, I was sexually assaulted on Friday, May 26, 2017. After the assault, I was in denial about the incident and in shock. I was silent for numerous days. Monday, I returned to class having to sit next to the guy who had just sexually assaulted me days prior. I finally went to my professor who was leading the trip that we were on, as I was unable to focus during my class as my mind was dissociating to protect itself from the trauma that I had experienced and the fact that I was forced to sit next to my assaulter. And telling my professor what had happened and how my learning was impaired by being forced to sit next to this person, I asked if it were possible to switch me from one class to another as there were multiple of the same level that I was in. My professor spoke with the interim director of the institute about having me moved, and he informed her that my assaulter was advancing a level in the classes, so would no longer be in my class. She told me this information, and then I was advised by my professor from the University of Nebraska-Lincoln to be more careful about how I present myself and not to be giving anyone the wrong idea, and then maybe these kinds of situations could be avoided. I experienced victim blaming language from my professor, who was



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Education Committee March 12, 2019

supposed to be the one to connect me to mental and physical health resources, to file a report with the Title IX office, and to even ask if I wanted to pursue a police report and legal action. But none of these things happened. Weeks later, the days before I, the day before I left the country, I finally reported the assault to the director of the institute. She accompanied me to the police station and acted as a translator, where I was questioned by the police: what was I wearing, how much had I been drinking, and why had I waited so long to report? I was told the case would be looked into and given an English copy of the report that I still have sitting on my desk at home. And almost two years later, I have heard no response. I tell this story because I want to ensure that if something as awful as being sexually assaulted occurs to another student in the states or abroad under the protection of University of Nebraska, that they are not treated like I was, but met with the proper care and assistance that they need. During one of the most terrifying and traumatic times in my life, I felt completely and utterly alone with no assistance. I almost relapsed and started self-harming for the first time in over a year. Instead, I went to a tattoo shop, and in the spot where I used to cut myself, I got a reminder to root my thoughts in peace. And every day, I look at this tattoo. And it reminds me that instead of giving into the blame that others at the University of Nebraska-Lincoln and the police I went to, to report gave me in one of the most traumatic experiences in my life, I knew that what happened was not my fault. But being a victim of sexual violence is nobody's fault, and that the only fault lies with the perpetrators and the system that allows them to persist. Please, I beg you to support LB702, and do not allow Nebraska to be a part of the system that allows sexual violence to pervade our society, as it is a public health issue. Thank you. I am ready to take any questions. And thank you, state Senator Machaela Cavanaugh, for introducing this bill today.

**GROENE:** Any questions? Senator Brewer.

**BREWER:** Thank you, Mr. President. Is the professor in question still employed by the University of Nebraska?

**ANNA MARIE STENKA:** Yes.

**BREWER:** Thank you.

**GROENE:** To clarify, what country did it happen in? You were on a field trip overseas?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**ANNA MARIE STENKA:** I was on a study abroad trip in Berlin, Germany.

**GROENE:** For how long? It was a--

**ANNA MARIE STENKA:** I was there for a total of six weeks.

**GROENE:** What-- just, what type of class?

**ANNA MARIE STENKA:** It was intensive German language classes. I am a German major at the University of Nebraska-Lincoln.

**GROENE:** You're a language--

**ANNA MARIE STENKA:** Yes.

**GROENE:** Thank you. So you were caught up into a crime being committed on a jurisdiction outside the United States was part of the issue you had. But you do have a point about the University of Nebraska. It should followed it back to Lincoln, Nebraska. So thank you.

**ANNA MARIE STENKA:** Yes, it was a faculty-led trip.

**GROENE:** I understand. For credit.

**ANNA MARIE STENKA:** Yes.

**GROENE:** Yes. Certified class. Thank you. Any other questions? Thank you. Next proponent.

**SUZANNAH ROGAN:** Good afternoon. My name is Suzannah Rogan, S-u-z-a-n-n-a-h R-o-g-a-n. I'm here today as a private citizen, though I have worked in the violence prevention field for six years and currently work overseeing prevention education and the Coordinated Community Response for Doane University. This work informs my testimony today, but I'm not here on behalf of my employer. I'm here today in support of LB702. Through my years in prevention, and specifically during my time in Nebraska while working with other grantee institutions, I have found that campuses vary widely on their policies, protocols, definitions, and treatment of sexual assault, dating and domestic violence, and stalking. State guidance will help ensure that students have a similar experience and understanding of definitions of these crimes. Voting LB702 out of committee would be a strong indication that we take seriously at the state level crimes that can impact students for the rest of their lives. During the last year, as we have seen the lapse of violence, of the Violence Against

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

Women Act and the destruction of Title IX guidance and oversight, it is important for our state to step up and protect those who are so often blamed or ignored. These crimes are happening, and statistics tell us that we have not found the solution to reduction over the years. Rather, as we educate, the reports increase because people finally have the words to describe what they have experienced. In addition to protections at the state level, there are three points I would like to make in favor of LB702. The first is geography. Annual security report numbers of these incidents will not be the same as Title IX or judicial board complaints. The reason for this is geography. Clery geography specifically has to do with campus-owned or rented buildings. Title IX proposed guidance would like to bring Title IX geography in line with Clery geography. The problem is, the problem with this that LB702 addresses is that many sexual assaults occur off campus, also known as outside Clery geography. The Campus Safety Act ensures that universities will continue to investigate incidents that occur outside of Clery geography, where most assaults occur and can have a lasting impact on the survivor. The second is the evidentiary standard. It is important to note that you will probably hear detractors due to this standard being within the Campus Safety Act as well. However, I will provide you the overview of someone who works very closely with the Title IX coordinator at her university. First, preponderance of the evidence is used in civil cases involving sexual assault. And second, we are not taking away a perpetrator's rights by using the standard. Rather, a university hearing is to conclude whether or not someone has violated a policy. This standard is applied across all policy violations. Have a bong in your room? It is more likely than not that you are smoking weed. Have a bunch of red Solo cups, fifths of liquor, and mixers? It is more likely than not that you were drinking or throwing a party. Setting the standard of preponderance of the evidence or more likely than not ensures that all policy violations are treated in the same manner. Remember, universities do not wish to be a court of law. We are investigating if someone broke our policy and we welcome the specific standard within legal guidance. The third is trauma-informed policies and response. This means engaging with your policies and protocols in a way that makes it easy for a victim to read and navigate, easy for them to discover where they can find help and who they can tell. After consulting with universities on this very thing, I can tell you that trauma-informed policies are not incredibly prevalent. The Campus Safety Act ensures that policies and response are trauma-informed, meaning all first responders and campus security authorities are trained to understand the neurobiology of trauma and how to respond

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

appropriately. If we want to solve this problem, trauma-informed policies, protocols, and response are the first step to engaging with the population of survivors who are terrified to come forward because they are unsure of what happens next. I want to thank you for letting me speak today in support of LB702. We still have not solved this problem, and I welcome any legislation that strives to complete my life's work faster and more efficiently. I hope you will join me in supporting LB702 and voting it out of committee. I'm happy to answer any questions you may have.

**WALZ:** Oh, I'm sorry. Do we have any questions? Thank you.

**SUZANNAH ROGAN:** Thank you.

**WALZ:** Next proponent.

**SYDNEY BUTLER:** Good afternoon. My name is Sydney Butler, S-y-d-n-e-y B-u-t-l-e-r, and I am here today testifying on behalf of my best friend, Alexis Lipson. I have provided you all with a full copy of her letter, but I've condensed it down for the sake of time. My name is Alexis Lipson. I'm am here-- I am a resident of Lincoln, Nebraska, currently serving as a Peace Corps volunteer in Ukraine. Many of the protections listed in this legislation are included in the Clery Act and Title IX. However, due to the proposed federal changes to Title IX, this legislation is vital for keeping protections in place. We must ensure sexual assault survivors maintain the protections that they deserve. In 2013, I was raped by my teammate from my cross-country team at Doane University. I did not report initially for a myriad of reasons, but of most importance to this bill was the fact that I had had consensual, consensual sex with this individual prior to the rape. On page 6, lines 28 through 30 of LB702 would make this information irrelevant to the reporting process. This singular protection would have removed so much shame for me in reporting, in the reporting process. Prior consent is not permanent consent, and our laws need to reflect this. I chose to avoid the team for a year but finally decided I wanted to continue doing what I loved. I wanted to run with the cross-country team again. Before I could do that, however, I needed to ask one thing of my coach: to prohibit my rapist from continuing to assist the team during practices. I scheduled a meeting with my coach and expressed that my rapist had done something inexcusable, how I was prepared to contact the police if my rapist contacted me again, and how all I wanted was for him to not be present at practices. Instead of referring me to our safety office or suggesting any other solution, this coach told me: I don't want to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

know the specifics, and shook my hand telling me he would check in with my rapist and see what his plans were for next season. I did not attempt to report this incident, incident again until 2016, a year-and-a-half after I graduated. A former professor reached out when I had posted about the incident in a blog, and said they would be willing to help me report, if I chose to do so. My experience pushed me into activism, because others should never be faced with the situation I was in. There should be no shame around reporting, no matter how many times a victim has consented to sex before they were assaulted. There should be well-trained staff members who know to refer a student on when they report that they have been assaulted. I speak today because my experience is not singular. My story is not extraordinary. It is all too common and we need to do better to prevent, pretend-- protect victims. Thank you for the opportunity to share my experience, and I hope the members of this committee will choose to advance LB702. Thank you.

**GROENE:** Any questions from the committee? Thank you.

**SYDNEY BUTLER:** Thank you.

**GROENE:** Next proponent.

**KRISTEN TOMJACK:** Good afternoon. My name is Kristen Tomjack, K-r-i-s-t-e-n T-o-m-j-a-c-k. I'm a senior at the University of Nebraska-Kearney studying social work. I'm currently completing my field practicum with the National Association of Social Workers here in Lincoln, and I'm here on behalf of them to speak in support of LB702. I'm also going to be speaking about my time on campus, I interned with our campus' women's center, and this is a gender-inclusive office that offers many different services to students and employees. I assisted with programming and educational opportunities over topics such as bystander intervention, sexual assault, dating violence, and stalking. We have a strong partnership with the Kearney Safe Center, which is the local domestic violence shelter. And they provide advocates for us, and they're always available to students too. This legislation is important because there are students that don't know about our office and the services that we provide. They also, we found that a lot of students are uneducated about these kind of topics. They don't know what constitutes for stalking, sexual assault, rape. They know who to go to, even though our office is connected with Title IX and all those things too. We try to reach out, we do our programming, but we need this legislation to take that extra step to go further. In my role in NSW, NSW, I advocate

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

for vulnerable populations. In the simplest terms, LB702 reflects a commitment to protecting students and employees. It lays out their rights, along with the policies and procedures regarding campus sexual assault and dating violence. Setting guidelines for campuses regarding these issues makes them accessible, and is an important step in creating a safer learning environment.

**GROENE:** Any questions? Senator Kolowski.

**KOLOWSKI:** Thank you, Mr. Chairman. Do you know in any case what kind of resident assistance training people go through in order to get a resident assistance job on any campus?

**KRISTEN TOMJACK:** Yeah, I was an RA. So to get a job, it's just an interview process. So once you are in a job, you go through about a week-worth of training. If a resident was to come to us and enclose this kind of information, we are specifically told to say that we are confidential. The information won't go out, it's just going to go up. So we will have to report it to the appropriate people. So like Title IX, the resident assistant's office. Those have people and they handle it from there. So we are more just like the passing on of information. And then it's just a matter of making sure that those RAs are trained to pass on that information correctly. But that's really just about the training they get, is you say: thank you for sharing that for me, sharing that to me. And then we'll pass it on kind of thing. And then from there, those offices will be in contact with the student.

**KOLOWSKI:** So the resident assistant does not act in a counseling way in any way, shape, or form?

**KRISTEN TOMJACK:** No, and we're told directly not to act as a counselor. We can provide them with the resources to the counseling center and the women's center, and they are trained in that regard. But in no way would we-- we can offer kind words, but we should not. And that's kind of like an ethical boundary too. You shouldn't be saying, oh, well-- you can say, I believe you. That's the right thing to say. But they shouldn't be acting as a counselor, I guess.

**KOLOWSKI:** OK. Thank you.

**GROENE:** Senator Walz.

**WALZ:** Thanks for coming today. I'm really interested in how you make students aware of the policy. So as a resident assistant, possibly, is

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

that something that you do? Do you review the policies and make students aware of what's in the policy so we can possibly prevent incidents from happening? Is that part of the process?

**KRISTEN TOMJACK:** As an R.A, no. I mean, in all of our classes at the end of our syllabuses, it's in there, the policies. But it's up to the professor then. They have to be made aware of it. So usually a professor will kind of say: and read the last page. And that's where you go to if you experience sexual assault and if you're pregnant. Like those kind of things are all listed in all of our syllabi. But as an RA, we never had to-- if a student were to come to us. But we didn't have to have any meetings. In the women's center, our social media was our biggest platform. We could reach thousands of students that way. So that's how we would go about it. We have a Web site, the women's center does, and it's on our UNK Web site as well. But again, like you said, it's up to the student to become aware of that and to reach out. So that's, we struggle with that, too, is how to make students aware of it.

**WALZ:** Does that also include things a student should do to look out for something? OK.

**KRISTEN TOMJACK:** Yeah. Oh yeah, we have bystander trainings. Bystander intervention is a huge part of our curriculum. We can do that as RAs too. So like in my role in the women's center, an RA could ask us to come do that training with their students in their building, and I have done that before. And we get that request a lot with like our Greek society and all that. But that still doesn't reach everyone. So that's kind of the drawbacks too. So there is bystander intervention training so that people can become aware of how to, like, protect their friends and themselves too.

**WALZ:** OK. All right, thank you.

**KRISTEN TOMJACK:** You're welcome.

**GROENE:** Any other questions from the committee? So if somebody comes to you as an RA, and you say what to them? You're going to report it to who?

**KRISTEN TOMJACK:** You say, what we were told to say is that I cannot keep this to myself. We have to report it to the appropriate people. So more than likely it will go to Title IX. And we'd also contact our director of our hall. So it would just go, it would go up and not out.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

So your friends and stuff, if you don't want them to know about it, it will-- because that's one of the biggest fears of reporting, is that they're afraid.

**GROENE:** But who contacts them?

**KRISTEN TOMJACK:** I am not for sure. I was an RA for one year. I would that would be the Title IX director. The resident as-- the resident director would also reach out to them. UNK is probably a little different because we are a smaller, closer community, so it'd be easier to get in contact with students as the RA office is right across the hall.

**GROENE:** So the student really is timid and doesn't at, right now doesn't want to-- it would be no one. So they have no idea who's going to contact them. They don't know if the police are going to come knock on their door. They don't know if a grill team is going to come, or if they're going to have to fill out papers. So could you see why somebody wouldn't report, because they have no idea?

**KRISTEN TOMJACK:** Oh, definitely.

**GROENE:** And you don't tell them who's going to come contact them?

**KRISTEN TOMJACK:** Yeah. In my role as an RA, no. In the women's center, our women's center director would be able to state that. Which is why I'm a huge proponent for this kind of stuff, because it lays it out. And if you go to the women's center, she would be able to tell everything. I, from my role as an RA, wouldn't be able to tell them exactly who that, who those were.

**GROENE:** You're not instructed to tell them it will be confidential.

**KRISTEN TOMJACK:** Oh, it will be confidential. Yes.

**GROENE:** How do you know the next step? Do you tell them the next step will be confidential?

**KRISTEN TOMJACK:** Through Title IX, it should all be confidential. Which is where it would go.

**GROENE:** Thank you. Any other questions? Thank you.

**KRISTEN TOMJACK:** Thank you.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**GROENE:** Next proponent.

**KENDRA BRYANT:** Dear Chairperson Groene and members of the Education Committee, my name is Kendra Bryant, K-e-n-d-r-a B-r-y-a-n-t, and I'm an advocate at Voices of Hope, Lincoln, Lincoln's crisis center that works to empower survivors of sexual assault and domestic violence. Today, I am reading a letter on behalf of a UNL survivor who wishes to remain anonymous but wishes to convey her support for LB702. Here is the student's letter. "Thank you for taking time to hear my letter. I am a student at the University of Nebraska-Lincoln and I would like to testify in support of LB702. I have chosen to remain anonymous because" I am currently, "I am a current University of Nebraska-Lincoln student, and I fear retaliation and safety repercussions if I were to publicly address this issue. During my time at UNL I was a victim of sexual harassment and stalking by another UNL student. I would like to use my experiences to highlight why I strongly support LB702. Upon reporting the stalking and harassment to a university Title IX investigator, I was given no documentation detailing my rights. Because I was not informed and misinformed of my rights, I was not allowed to file a complaint. Not being allowed to file a complaint with the Title IX office subjected me to harassment and stalking that continued for a year. During this year, I was required to take two courses with the harasser/stalker. Having been fully informed of my rights and being, and being able to file a complaint when I first approached the Title IX office could have prevented continued trauma associated with the harassment/stalking and the hostile learning environment it created. During my interactions with Title IX, I would have also benefited from trauma-informed practices by Title IX and UNL-PD investigators. My interactions with UNL officials during my case often required me to retell my story, explain why I was afraid, and defend my trauma and fears. It was both implied and directly stated that the university would be able to help me if something really bad happened. Being stalked for a year did not qualify as really bad in the eyes of UNL-PD or Title IX. Hearing over and over that what I was experiencing was not serious enough to take any action to protect me from further harm was distressing and demoralizing. Furthering the trauma associated with this process, I was also prevented from being accompanied by a support person during one, during the Title IX interviews. In addition to the cold and callous faces encountered in the Title IX office, the process itself was convoluted, confusing, and hard to navigate as an untrained student. As most students, I am not and should not be expected to be well-versed in the working of a Title IX investigation. I relied on

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

getting clear and accurate information from the investigators. This was not provided to me during my complaint. My requests for documentation were denied and my questions about the complaint process were frequently given different answers. The unclear answers and seemingly ever-changing rules created an unpredictable complaint process that left me feeling manipulated by the system and totally powerless. Dealing with the current Title IX administration at UNL was incredibly traumatic. This process rivaled the trauma I experienced during the harassment and stalking itself. Although it will likely be traumatic to undergo any investigation process, if LB702 was followed, survivors would be able to have a support person present and would be able to interact with trauma-trained investigators. This could potentially minimize the traumatization experienced by the survivor. I also support this bill because it would require universities to continue investigating off-campus events. My stalking and harassment occurred entirely through cyberspace. If the university was no longer investigating off-campus events, I would likely not have been able to file a report. In conclusion, I would like to reiterate my support for LB702 based on its requirements that universities create and distribute clear complaint process guides and complainants' rights documents, the requirement for trauma-informed training for those interacting with survivors, and the ability for, for universities to investigate off-campus events, among other important regulations proposed in the bill." Thank you for your time.

**GROENE:** Thank you. Questions? Thank you.

**KENDRA BRYANT:** Thank you.

**GROENE:** Next proponent.

**ANGIE LAURITSEN:** My name is Angie Lauritsen, A-n-g-i-e L-a-u-r-i-t-s-e-n. And I apologize for reading from my phone. I was at another event here in Lincoln and knew that it was important that I come over here and attend this hearing and read the letter that has already been submitted on behalf of Survivors Rising. So I'm reading a letter. I currently serve on the board for Survivors Rising, I should append that so. So, Dear Senator Groene and members of the Education Committee, our names are Jacey Gengenbach and Sherry Helmke. We are writing on behalf of Survivors Rising, a survivor-led sexual and domestic violence organization in Omaha that provides peer mentorship, education, and policy advocacy from a survivor perspective. Our organization supports LB702, the Campus Safety Act. Sexual assault is an act of physical, psychological, and emotional aggression that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

changes lives forever. According to the Office of Women's Health, one in five women in college experiences sexual assault. According to RAINN, 23.1 percent of female and 5.4 percent of male undergraduate students experience rape or sexual assault through physical force, violence, or incapacitation. The aftermath of sexual assault often includes derailed academic performance, dropping out, post-traumatic stress disorder, and sexual-- and suicidal thoughts or attempts. The financial implications for sexual assault survivors are astronomically high. According to new research by Cornell University, a college student who is sexually assaulted pays an estimated \$2,937,860 in lifetime costs. That figure includes everything from an initial emergency room visit, to dropping college courses, to dropping out altogether, and the resulting lower career earnings. According to the National Sexual Violence Resource Center, 90 percent of campus sexual assault victims do not report the assault. Campus sexual assaults go unreported due to trauma-related symptoms, fear of repercussions, concerns about being believed, confusion about the process, and uncertainty about the educational institution's policies on sexual assault investigations. Information from The Office of Women's Health indicates only one in five college-age women who are sexually assaulted in college report the assault to the policy, to the policy. These numbers are consistent with the lived experience our survivors share. The provisions in LB702, the Campus Security Act, relating to establishing and clearly communicating policies, the investigation process, public reporting, and access to confidential resource officer represent positive steps toward addressing and debilitating threat still facing too many Nebraska college undergraduates today. We look forward to a day when there is zero tolerance in our state for sexual and domestic violence. It is estimated that 150,000 women in Nebraska will experience sexual assault in their lifetimes. We believe passage of the Campus Safety Act is an important step in reducing the number of future victims. We urge you to support and advance LB702. Please include this letter as part of the public hearing.

**GROENE:** Thank you.

**ANGIE LAURITSEN:** If I can answer any questions that you might have.

**GROENE:** Are you a campus organization?

**ANGIE LAURITSEN:** No. We are Survivors Rising, located in the greater Omaha area. We advocate on for victims of sexual assault, human sex trafficking, and all the other.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**GROENE:** Thank you.

**ANGIE LAURITSEN:** Not a problem.

**GROENE:** Senator Murman.

**MURMAN:** Thanks for coming. I've got a question. In your role, do you think it's more of a problem with, like, local law enforcement or the university? Because the reason I ask is because I think a very large percentage of students live off campus.

**ANGIE LAURITSEN:** Absolutely. But as a mother of a 21 year old son that I sent off to the Marine Corps, and other parents have sent their children off to college, we are reliant on the leadership of that college and that university in order to take care of our children in their most dire needs and times. If you are a victim of sexual assault, reporting is not a welcome thing for you to do. It is incredibly hard, and it is incredibly hard to go to a parent who you believe should be your greatest advocate. But sometimes the shame of reporting such an act is not a viable option. So we need to lean on the leaders of the universities that we are paying our tuition to and to make sure that we're looking out for them. It's a jurisdictional issue. And if they are a part of that school system, I believe that it's the university needs to stand up and do a better job.

**MURMAN:** So as a follow-up question is it important that local law enforcement works more closely with the colleges? Or is that--

**ANGIE LAURITSEN:** Well, I think they're better trained to handle this.

**MURMAN:** The, the colleges or the local law enforcement?

**ANGIE LAURITSEN:** Local law enforcement. I think on other bills that we've been proponents for, we work with law enforcement across the state to make sure that we are working with-- to make sure that we're using the correct, correct language and that they have the correct procedures in place. I think from hearing from other proponents of this bill today, I think there's a lot to learn on the university level. And I think using our law enforcement advocates and the resources that are available. I know that in the Omaha area we have the WCA and we have other service providers that work on this on a daily basis, and they would be the best resources in order to gain that. But I think this bill does a, a long ways in making sure that we

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

are consistent across the state for what we want to have represented for Nebraska.

**MURMAN:** So do, does law enforcement do a better job of, you know, encouraging reporting or campus?

**ANGIE LAURITSEN:** Depends on who you're talking to. Sometimes law enforcement can be seen as they're not easy to report to law enforcement. I, I testified on another bill where I was a victim, and I was 14 reporting to a male sheriff. Was I able to communicate to that person? I think having, we have the right advocates in the state that can work with survivors on reporting and making sure that they know what the processes and procedures are. And the universities, we have the resources here. They need to be able to work with local resourcing either with-- work in conjunction with law enforcement and the front lines advocates for survivors of violence.

**MURMAN:** Thank you.

**GROENE:** Thank you. Any other questions? Thank you. Next proponent.

**CHRISTON MACTAGGART:** Good afternoon, Senator Groene and members of the committee. My name is Christon MacTaggart. First name, C-h-r-i-s-t-o-n; last name, M-a-c-T-a-g-g-a-r-t. I'm the domestic sexual violence project manager for the Women's Fund of Omaha. We are a local non-profit in the Omaha area that works to improve the lives of women and girls through systems advocacy, funding, and research. One of my roles is as the coordinator and facilitator of our sexual assault response team, which is a multidisciplinary team in the area made up of our criminal justice, medical, victims services folks, as well as our, on four of our local campus communities. I, you've heard a lot of information already today and so I want to make a couple notes about the written testimony that you're getting. One is that that testimony was printed before I saw the amendment this morning. And so some of it I am not going to talk about, because it's perhaps no longer quite as relevant. And then also, I just don't want to belabor some of the points that you've already heard. But a couple of things, female college students are aged 18 to 24 are three times more likely to be sexually assaulted on college campuses. And 21 percent of transgender or gender nonconforming college students have been sexually assaulted. So it's crucial that we do in fact have standards for how sexual assaults, domestic violence, stalking on campus are, are handled. That includes how cases are handled when they occur. And it also includes prevention efforts that are developed to keep the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

violence from happening in the first place. Certain sections of this bill will ensure that trained professionals are providing prevention education, that trained professionals are providing support to victims, and that trained professionals are conducting investigations and disciplinary hearings on campus. It's our position that individuals who are not trained in trauma and don't understand domestic sexual violence don't necessarily have a place in the response of these cases. But unfortunately, that's just not always the reality of this work. It is easy to immediately discount a victim when you don't know what trauma responses look like, how the brain stores traumatic memories, or how to ask questions in ways that traumatic details can be recalled. So those are all things that we strive for in our community response to sexual assault, in our sexual assault response team, and in sexual assault off campuses. But campuses are communities and students often utilize resources on campus for healthcare, housing, therapy, advocacy, and other services. And so having campus communities that provide a trauma-informed response and collaborate with existing services and support in the larger community is incredibly important. We know that the research supports victims of trauma report positive experiences with those systems, primarily based on how they're treated during the process, as opposed to the actual outcome of a proceeding or a case. So the impact really can't be underestimated. We feel as though the approaches of LB702 were in line with research and best practices, and we support that, we support creating consistency in how our Nebraska campuses handle these cases. And we would urge the committee to support this bill and advance to General File. I'm happy to answer any questions that you may have.

**GROENE:** Thank you. Any questions? Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for coming, Ms. MacTaggart. I was just-- can you just specifically sort of line out some of this-- give us some of the things that you think the university is not doing that this will make sure that they do? Because I do know that they have certain, you know, requirements under Title IX and I just, I know that they believe they're doing a lot of this work. So I want to know what you think is really going to be improved by this, this legislation.

**CHRISTON MACTAGGART:** I think a large part of it is ensuring that, that students, both students and staff have access to the information. Policies are created, everybody has a policy on what this looks like. And also that the, the people that are involved in responding to these on campus are trained, that they under, that they act coming from a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

trauma-informed place. That they understand the dynamics around dating violence, sexual violence, and that, and are really in line with what best practices say the approach to those sort of situations should be. I also think a really important thing the bill does is it outlines parameters for prevention efforts happening on campus as well. I think that we can never end sexual and domestic violence unless we try to start preventing it in the first place. So I think that having a dual approach is really important. And then I think that the focus on collaboration between on-campus entities and off-campus entities is also really important. There are, there may be students that aren't comfortable going to someone on campus or vice versa. And so making sure that they know what the resources are and that we have, I mean, someone mentioned law enforcement, that we have law enforcement off campus working together with law enforcement on campus, victim services that are working together. All of, all of those things really support these cases and provide support to the victims of these situations.

**PANSING BROOKS:** OK. I guess what I am interested in, and I, I know this applies to all post-secondary, so excuse me that I mentioned specifically the university. But I know that this applies across the board. So what, I mean, has, has the Women's Fund or any other group done a study of what procedures are in place at each institution?

**CHRISTON MACTAGGART:** We have not done any research specifically on college campuses. I work closely with four of our campus communities: UNO, Creighton University, Metro Community College, and the college, and the College of Saint Mary. I work with their Title IX investigators and the advocates on campus that provide services. So I could give you, just from experience in that work, I could tell you what some of those responses look like. But we haven't necessarily commissioned any research around this issue. It's something we'd be willing to look at.

**PANSING BROOKS:** OK. So are the procedures, or what you're seeing up at those specific schools, how is it different from what this bill is doing, attempting to do?

**CHRISTON MACTAGGART:** I would say consistency is, is a need. Every campus looks a little bit different. And so having some basic parameters as far as these are, these are the basics that you have to do--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**PANSING BROOKS:** Best practices?

**CHRISTON MACTAGGART:** In line with best practices, I think that's really important.

**PANSING BROOKS:** And what about the school, with this, with the work that you've done, the schools with which you've dealt, are they training people in trauma-informed responses, and in trying to make sure that they are ready to handle people who are obviously under significant duress and stress?

**CHRISTON MACTAGGART:** I think they're-- and I would say again, it falls back on consistency. They're in a lot of different places. Some of them are really just starting to look at, I mean, Title IX has been a mandate for a long time, but some of them are really just starting to look at what are best practices outside of sort of the minimum that Title IX requires. Some of them have moved far past that. Creighton University, for example, I mean, they've had two on-staff advocates on campus that are confidential for quite some time. They're funded by the university, and they do really amazing work. They work both with campus, their Title IX coordinator on campus, campus security, as well as law enforcement off campus know them quite well. So, again, I think that's, that's one example. There's other and others in the middle, and then there's also I think campus communities that are really just starting to, like I mentioned, look at kind of moving the needle forward.

**PANSING BROOKS:** So across the nation do you feel there's, there's sort of a-- the reason that there is some difficulty, at least from the perspective of survivors to be able to get a response that they feel is appropriate, is that partly because various post-secondary schools may feel that it's a blight on their image if they respond in a way that brings more than their survivor in? What, what do you think is happening here?

**CHRISTON MACTAGGART:** I mean, I think potentially. Nobody wants to be seen as a campus where many sexual assaults happen. I think unless you do this work it's hard to know. Like if, when my daughter goes to college, I would rather send her to a university that I feel like is reporting sexual assaults, because I know that they're happening. So I, I think the other thing is, one of the things I see is that, you know, there-- some of this information is taxing for universities and colleges, and it does require a number of different people on campus sometimes to be involved in. So I think what, what do those



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

individuals-- how, how have we as a state and as a campus, campus communities prepared them to know what they're looking at? I mean, I mentioned it's easy to discount victims if you don't know what trauma looks like. And so I think sometimes we see that victims potentially are seen as lying, sometimes we see them sort of get written off as crazy or that they just don't care anymore or they must have made this up. Whatever the case may be. And I don't want to discount that that never happens. But I would say it's pretty rare. I think all the national data and our local data tells us that. And then I would say that that always sort of signals to me that we don't know what, we don't know what trauma looks like sometimes. And so I think that training piece, at least from what I've seen, is, is one of the really important pieces for anyone on campus that's, that is touching these cases.

**PANSING BROOKS:** Thank you.

**GROENE:** Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. All right holding that chain of thought, because I thought Senator Pansing Brooks had good questions there. If I'm going to catch the colleges and university in a crossfire here, let's go back over some of your points so I don't miss anything. So a lack of prevention, lack of information, lack of training, coordination between law enforcement on and off campus, failure to report, consistency. What else do I need to add to that list?

**CHRISTON MACTAGGART:** I feel like you captured probably most of the points that-- I would also say there may be people that come up after me that have some, that are doing more work on campuses, that have some additional thoughts. But from my perspective, in doing community response work, I feel like those are the big pieces.

**BREWER:** Just want to make sure I got it, so thank you.

**GROENE:** Senator Kolowski.

**KOLOWSKI:** Thank you, Mr. Chairman. I had the opportunity to be three-and-a-half years as a resident in assistance, assistant when I was in college. And there is not much that I didn't see--

**CHRISTON MACTAGGART:** Sure.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**KOLOWSKI:** --as far as the experiences that you'd have with a range of people over all those years. I wanted to ask you what did you, what do you see, and what are the commonalities that you wish were there when you go from college to college, university to university as far as the range of experiences that you hear about or experience yourself, as far as the people that you're working with? What, what will a bill like this do? Is it on the right track, is it doing the right thing? Or is it just another one of those pieces of paper that you tack to the wall and pull it off when they need it and you go your way?

**CHRISTON MACTAGGART:** I feel like this bill is-- I don't know that it will answer every issue. I'll be honest about that. I feel like it's a, it's a really good start. I know that there are some federal Title IX changes coming as well, and so I think it's, there, there are probably some challenges in what Nebraska can do locally as far as consistency until we know what, what those federal changes are going to be for campuses. So I think that I, I think this bill takes that, the amended version really takes that into consideration. And so I would say, from what I've seen in our community, the cases that that seem to go well and that survivors seem to report the best outcomes with, are situations where when they disclose to someone they are immediately provided an advocate that helps walk them through the process. So then that process, they have options about if they report on campus, if they report to law enforcement, if they do both, what and, and what that process looks like for each of them. And then somebody that, that just walks alongside them through the process so that they have ongoing support, continued access to services that they need. For me, I think that's probably the biggest consistency piece and the biggest piece that I think this bill has an impact on.

**KOLOWSKI:** What are the limits of acceptability go, as far as the use of alcohol on campus and drugs in the same way, where it leads to students doing the things that we're talking about here?

**CHRISTON MACTAGGART:** Well, I mean, I think that a lot of people are doing this work would identify that there are many times where alcohol or drugs is a factor in, in those situations. And I know from a law enforcement or prosecution standpoint, you can make, it can make those situations hard. I also know, though, that there's a lot of training that happens around, you know, look this is a factor many times. And in fact, I mean, perpetrators of sexual violence will use alcohol as a way to prohibit a victim from being able to consent. If someone is incapacitated, if someone is passed, out then it makes sexual assault

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

much easier. So I think we see that used as a tool in a lot of sexual assaults, but it's definitely a factor, and we definitely see that all the time. It makes the cases challenging. We've brought in some training for our law enforcement, for our advocates, other folks, to help talk about what the limitations are about what you can do. And again, I think having someone who understands what trauma looks like, how to ask questions in ways that allows the brain to recall memories and things like that, those, that just helps as well.

**KOLOWSKI:** There's just so many variables.

**CHRISTON MACTAGGART:** There are. It's complicated.

**GROENE:** Senator Pansing, Pansing Brooks. I didn't know if Senator Kolowski was done or not.

**PANSING BROOKS:** OK. Just have to jump in because I can't help it. But, you know, I do have a bill on consent and tightening it up. And really, this is the whole problem, because sexual assault and domestic violence are the only crimes where we turn the lens on the victim to see what that person was or wasn't wearing. Somebody who's mugged isn't asked, well, what were you wearing? You look a little provocatively rich. And so this discussion of the fact that a person has to, it right now, under Nebraska law, has to say no. And if you're, if you've been given drugs or something that a lot, that makes it so that you're unable to say no, it just this whole discussion of alcohol and what's going on and how we have to say no, because basically we are always acquiescing to sex otherwise, unless we say no. So I will stand up loud and clear and say we have the totally inappropriate standard. I believe that the university has changed that standard. But anyway, this again, we have to understand that consent is what should be given. And if somebody says, well, I don't, I don't know, you know, what, am I supposed to get a notarized note for acceptance? Yeah, if you aren't clear on whether or not somebody is consenting to have sex with you, then you better get that notarized statement or you will be guilty. So there. I couldn't avoid jumping in finally. Thank you, Senator Groene.

**GROENE:** Don't know how to say this, but isn't the problem that in our court system they're either guilty or innocent?

**CHRISTON MACTAGGART:** Correct.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**GROENE:** And in sexual assault it's she said, he said, normally. There's no witnesses unless they go immediately to the police and there's tests run. There's no evidence, it's he said, she said. And then when the victim is absolutely correct and the police say you don't have grounds for, for charges, society says he's innocent. What does that say about the victim? Isn't that one of the biggest reasons they don't come forward, because in our society says you're either-- there's no maybe, there's innocent or guilty. And in these kind of cases, the police just can't prove it.

**CHRISTON MACTAGGART:** Yeah. I think in our criminal statute that is true. I mean, they're, they're innocent or they're guilty. And sometimes innocence doesn't necessarily mean they didn't do it, it means there's not enough evidence to prove it. Or it means there's just not enough to make an arrest, even though law enforcement believes it happened. But I do think you're right this society sees that a certain way. And I think that that, that does prohibit victims from, from coming forward at times.

**GROENE:** So what you're looking for is more the counseling side, to tell the victim, no, you're not guilty, it wasn't your fault, instead of the vengeance ask, aspect that you got to press the crime and you have to come up with a guilty verdict?

**CHRISTON MACTAGGART:** Sure. And I think campuses are in unique positions to do things outside. I mean, they're not criminal courts of law, are not holding criminal court. But they're in unique positions to do some additional things, like ensuring that a victim can move out of a class where her, where the person who sexually assaulted them is in. That they need to-- that the person doesn't live, who sexually assaulted them doesn't live down the hall in their dorm. I mean, those sorts of things. So campuses are in unique positions to really help manage victims' safety and support, regardless of an outcome of a campus disciplinary proceeding or--

**GROENE:** But you're making a judgment call that that individual that you want removed from the class is guilty. Because an accusation was made. Isn't that your problem? That person who's, the accusation is against also has rights. But they don't believe they did it. So it's a quandary here that, well, nobody has solved it yet. So anyway, thank you. You a proponent?

**ROBERT SANFORD:** Yes. Good afternoon, Chairman Groene and members of the Education Committee. My name is Robert Sanford, R-o-b-e-r-t

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Education Committee March 12, 2019

S-a-n-f-o-r-d, I am the legal director for the Nebraska Coalition to End Sexual and Domestic Violence, a non-profit organization representing 20 domestic and sexual assault service providers across Nebraska. Our vision includes a world where domestic and sexual violence are a distant memory, and where healthy relationships prosper. Among other things, the Nebraska Coalition values safety, prevention, accountability, and leadership. Each of these values is incorporated into LB702 as it was introduced, and it is because of that that the Nebraska Coalition is here today to ask that you support LB702 and that as a committee you advance the bill to the floor for debate in order that it can become more than just a bill. Most of my work during session revolves around bills involving crime and punishment. So I want to take the next few moments and share with you a different perspective. That of prevention. The socioecological model of prevention when building a community response looks at prevention on four different levels. These levels of prevention include: individuals, relationship, community, and societal. Oftentimes, we focus on a response to and prevention of sexual assault at the individual level. But LB702 goes further. Oftentimes, we focus on a response to and prevention-- I'm sorry. That individual approach can involve the distribution of brochures or providing safety tips. While this approach is valuable, ending sexual violence completely requires much more than this. If we truly want to end sexual violence, prevention work has to take place within peer relationships, within the community, and within society. According to the National Sexual Violence Resource Center, colleges and universities are in a unique position to create a campus culture that is safe for all students, faculty, and staff. The Center for Disease Control and Prevention provides examples of a comprehensive campus-based prevention strategy, which is in the document attached with my testimony. This example suggests that dorm-based prevention will reinforce positive norms and skills related to bystander behavior. The CDC model encourages campus leadership to promote a culture of safety and respect to impact the community. Finally, the CDC model suggests that the creation of policies that strengthen and support enforcement, response, and reporting policies on campus is a societal change that will work toward an end goal of preventing sexual violence. The CDC suggests steps that can take, that can be taken to build an infrastructure around the prevention of campus sexual violence. These steps include having well-trained staff that have been trained using a standardized training; hiring dedicated prevention staff; making prevention an integrated priority of the campus as an organization; creating collaborations across campus; and finally, fostering relationships

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

with referral services. The Nebraska Coalition strongly supports prevention efforts and has, has staff devoted to that effort. Our prevention educator provides training and technical assistance on issues related to prevention, collaborating with other organizations working toward the prevention and elimination of sexual violence that has been institutionalized in part through our educational system. Senator Cavanaugh has incorporated prevention into the introduced version of LB702. The Nebraska Coalition thanks her for that effort and supports the Campus Safety Act created by this bill. We encourage you to advance it to the floor. Thank you.

**GROENE:** Any questions? Thank you. How many more proponents are there? Come on forward.

**MARCEE METZGER:** Good afternoon, Chairperson Groene and the members of the Education Committee. My name is Marcee Metzger, M-a-r-c-e-e M-e-t-z-g-e-r, and I'm the executive director of Voices of Hope, which is here in Lincoln. And I'm here to testify regarding LB702, the Campus Safety Act. I'm passing a letter to you-- I'm cutting pieces of this out because a lot of things have already been presented and other testimony. But I'll proceed. Voices help provides services to empower those who have experienced relationship violence, sexual assault, and related forms of abuse. For the past 45 years, our agency has provided confidential, 24-hours-a-day crisis intervention and advocacy to survivors of these crimes, as well as their family members in Lincoln and Lancaster County. Our agency started as the rape crisis line in 1995, a direct result of survivors coming together to address rape at the university campus. We've continued to work with the University of Nebraska-Lincoln, as well as having specific relationships with Nebraska Wesleyan University, Southeast Community College, Doane University, and Union College. These campuses are all in Lincoln, but we are part of a state coalition that has programs covering all of the Nebraska counties. Campus rape is prevalent throughout all of Nebraska and all of our programs provide 24-hour crisis line and advocacy response. Voices of Hope staff and I have heard thousands of stories of sexual assault from survivors of domestic violence and sexual assault throughout the years, and many of these are relate, related to students from our local campuses. More than 50 of those just in this last semester alone were from campuses. There is a number, there are numerous components of this bill that we would make, that would make campuses safer and protect students survivors, and we are in support of the bill in its entirety, but I'd like to focus on just a few sections. One being that survivors may report regardless of where the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

offense took place. According to Department of Education proposed summary, that the schools would be allowed to dismiss formal complaints if the alleged contact did not occur within the school's program or activity. This rule would allow school, students to-- schools to ignore all the Title IX complaints that happened outside of a school-sponsored program. This proposed rule would have detrimental consequences to 87 percent of college students who live off campus. Even if the conduct occurs off campus, students could potentially see their named perpetrator on campus, in the classes, and or in their residence halls. This can have a substantial impact on their academic career, retention, graduation, and grade point average. In our experience, working directly with students survivors of gender-based violence, the majority of incidents occurred off campus. Therefore, we support that schools should be required to provide services to students and investigate assaults that have taken place off campus, or in the study abroad program as you heard earlier, when the violence interferes with the student's education. Second point. Complaints by a reporting party shall be resolved using a preponderance of evidence standard. When schools use the more demanding clear and convincing standard of evidence, it impacts greatly on the victims and their willingness to come forward and report. This discriminatory, discriminatory rule-- discriminatory rule allow students or schools to directly weigh the education of a named perpetrator more than the survivor. The preponderance of evidence standard is the appropriate civil standard to use in campus conduct cases. Also, it is the only standard that treats the students with a fundamental fairness and respect. In fact, the Association for Student Conduct Administration states that to use any other standard says to the victim survivor: Your word is not worth as much as the institution, to the institution as the word of the accused. Or even worse, that the institution provides that the accused student remain a member of the campus community over the complainant. Changing the standard of evidence contributes to a culture that does not encourage victims to report and does nothing to make campuses safer. Therefore, we propose that Nebraska's schools be required to adopt a preponderance of evidence standard for sexual misconduct cases, or else the school is discriminating by valuing the named perpetrator's education more than the student's education. The third point. Each indication-- each institution shall adopt detailed and trauma-informed policies. This would include seeking input from interested parties to review and comment on these policies. I believe that many, if not most, of our campuses in Nebraska have some policies that relate directly to domestic violence and sexual assault, primarily through their student

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

code of conducts. While many of these policies are good, many were not developed with a trauma-informed lens and leave out an understanding of the complexity of how individuals respond to traumatic events. They don't take into account what we now understand about the neuroscience and how the brain responds to trauma. Keeping the victim's safety and respect at the center of the response does not mean that a fair, a fair investigation or a campus, campus response can't happen. In Lincoln, we've watched the difference that the Lincoln Police Department's trauma belief-based investigation training has impacted on victims feeling safer in making reports. The Lincoln Police Department reports a 9 percent increase in rapes in 2018. We all believe that this was not the result of more rapes, just that more victims were feeling safer about making this report and the opportunity was made more accessible. We've also heard repeatedly from victims that the trauma-informed response that they received helped them to feel better and more confident about the system they participated in and longer--

**GROENE:** Thank you. We got your point.

**MARCEE METZGER:** Okay.

**GROENE:** The five minutes we gave you.

**MARCEE METZGER:** I'm sorry.

**GROENE:** No, that's fine. You needed to wrap up with that last part.

**MARCEE METZGER:** OK.

**GROENE:** So any questions?

**MARCEE METZGER:** Yes.

**GROENE:** Go ahead, Senator Pansing Brooks.

**PANSING BROOKS:** OK. Thank you for coming, Ms. Metzger.

**MARCEE METZGER:** Thank you.

**PANSING BROOKS:** What I am interested in, have you seen other states enact some of this legislation?

**MARCEE METZGER:** I have seen a few, yes.



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Education Committee March 12, 2019

**PANSING BROOKS:** OK. So I guess what I'm interested in, and I understand the connection to school things like study abroad. So what in actuality happens? So if, if somebody comes in and, and, and says I was, I was at a function, and it wasn't a school-related function, well what is the best, I mean, in a perfect world, what would the school do? I mean, nothing-- this, this presumes it's prior to any kind of, of, of case where somebody is found guilty or anything like that. We're talking about during the time so what are you supposed to do with the accused to help keep the victim safe?

**MARCEE METZGER:** I think there's a lot of things that you can do, Senator Pansing Brooks. I think that those campuses that have this trauma-informed policies, that are very transparent so students know what their rights are, what resources might be available. Title IX is just not about just the investigation, it's also about providing an opportunity for students to have equal access to an education. Right? So when somebody reports that this happened, it's not that the campus isn't going to take it seriously. When we're talking about off campus or a study abroad program, the, the individual could be with them, the perp, the individual that assaulted them may be a student also.

**PANSING BROOKS:** Right.

**MARCEE METZGER:** So when they're coming back to the campus, the ability to, if that individual knows where their room is, to change a room within the residence hall, to be able to change a class. I think somebody referred to the fact that how do you make a decision before somebody has been, a decision has been made that they've actually done this? What do you do? But I think in the meantime, you can provide some of those reliefs for an individual to stay in school, to not leave the school, to be able to continue in their classes. And at many times it's that student that's reporting it that's changing sections, rather than the person who actually is being accused, until there's been a decision. So I think that throughout that whole process there's a lot of ways that campus can, that campuses can respond. Voices of Hope was, we worked with five campuses in Lincoln, and all of them respond very differently in terms of what comes forward. So when I think about what some of the things in this bill do, is that it creates both a consistency, it creates a way for students who are coming forward that they have the ability to be going through a trauma-informed response, whether that's in the residence halls or whether that's by their Title IX investigator. UNL has a police department. Many of these programs don't, they have security officers.

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Education Committee March 12, 2019

But oftentimes they aren't trained in trauma and they aren't necessarily understanding all the options that can provide for that student's well-being.

**PANSING BROOKS:** I think that's good. I, it reminds me of a point where our daughter was sort of bullied in school at one point. And the response initially was, well, we can, we can have her go to classes after the bell has rung. So it's like a punishment to her. And I said, well, that isn't, that isn't fair. And they said what, what do you suggest? I said, well, if you have to, have the teachers come out in the hall and oversee what's actually happening. So there are ways for the schools to do supportive acts, I believe, to help with the trauma-informed responses and with just making sure that the person isn't victimized again.

**MARCEE METZGER:** I think that's, that's true. And I think that this bill creates the discussion on campuses to develop policies and look at their policies through that trauma lens, through the victim-centered lens. That doesn't mean that you believe always one person over the other. When I look at what happened with the Lincoln Police Department and their training in relationship to trauma, how that's been different. It's not that they're saying that we always believe the victim coming forward, it's saying that we have so many myths in our society that create that belief that she is going to be lying or that this is not accurate. When you think about how trauma relates and comes forward, oftentimes people don't report in a very linear way. And so not remembering details in the same way that somebody else might have observed them is part of the trauma. So helping understand that so that they can do an investigation that's, that's more clear.

**PANSING BROOKS:** Thank you.

**MARCEE METZGER:** Thank you. Does anybody else have questions?

**GROENE:** Any other questions? Thank you.

**MARCEE METZGER:** Thank you.

**GROENE:** Any other proponents?

**GISELLE NEVAREZ:** Hi, my name is Giselle Nevarez, it's spelled G-i-s-e-l-l-e, last name is N-e-v-a-r-e-z. And I I'm here today representing a private citizen. I'm an individual. I graduated from

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

the University of Nebraska, and I was also assaulted as a student. And this happened in 2014, which was before a lot of the existing changes in society were focused on believing survivors. There have been a number of social movements that have followed that. But what's important about my experience, and why I wanted to come here and share this today, was because when that happened to me, I didn't know where to go. It happened off campus in Douglas County, and it happened over the summer. But this individual was a student at the University of Nebraska, so after experiencing this assault, I wanted to make sure that I was going to be protected for the rest of my time as a student. I was a freshman at the time. And I didn't know where to go. I reached out to a supervisor at a student-- I was a student worker and I reached out to a supervisor at my job. And he pointed me to the Women's Center, and that is when I found the victim advocate who luckily was able to guide me towards the next steps in the reporting process, just to ensure that I could still go to school. At this time, I was considering dropping out of school. I was considering transferring from UNL and going to UNO just so I could feel safe. And I don't think that I should have been put in that position. It was inconvenient for me, I think that's saying it so lightly. It was so inconvenient for me to have to consider that when also considering what I wanted to do with my education, with my career, with my identity, who I was as a person in this time, was dealing with a lot. And the resources that were provided to me I felt I did not recognize this. I went to Title IX and I start with a dean of students and the Title IX coordinator at the time. And being 20 years old, I was doing what I thought was right, what I was being told to do. And I don't feel like their response was sensitive to my situation. This student and I were going to be living at the 50/50, which is an off-campus student residential housing unit, and I didn't want to see him. I didn't feel like seeing my abuser every single day before I went to class. And I had made these plans with another group of female students I considered to be my friends. And when I presented the situation to the Title IX office, they believed the best option was to, for me to move. For me to leave my support system, for me to uproot what my plans and go somewhere else, and further isolate myself from a situation I didn't, that I already didn't know how to handle. So I was not happy with the decision or the options presented to me by Title IX. And when I heard about this bill, I immediately read in detail all the provisions it would give it to students. And I thought to myself, when I was 20 years old, like what would this have meant for me? What changes could this have made for me that could have been more positive, instead of having to absorb all this negativity and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

stress and confusion in a time where I was already the victim and having to defend myself and my word and having to prove to people that this happened? So I care about my institution, I care about the future of our students, and I know that I am not unique in this situation, which is unfortunate. And I want to urge all of you to consider just what you've heard today, everyone who has spoken before me, my individual testimony, and think about how you can give this institution the resources to protect its students and how that will affect society going forward. And that is all I have for you all. Does anyone have-- yep?

**GROENE:** Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. All right, so I got all the facts together. Because if I go into the attack mode with someone, I want to make sure I got all my facts right here. Now, so the, the Title IX folks you think were the root of the failure, or was it UNL that was the, I mean, someone failed to do what they needed to do to help you. Where do you think that is?

**GISELLE NEVAREZ:** I believe that they should look at these cases individually and ask the victim, what is it that you need from us? What is it that will make you feel the safest on campus? What is it that will connect you to the success that you came here for?

**BREWER:** Now, the incident happened in Douglas County. Did they have you go through like the Douglas County Sheriff's Office then to, to address the issue as far as the law enforcement side of it? Or was it-- there was a law enforcement part of this.

**GISELLE NEVAREZ:** Right.

**BREWER:** Who handled that?

**GISELLE NEVAREZ:** So that was initially the attack happened in Douglas County, and Douglas County handled it. I filed a protection order through Douglas County, a no-contact order was filed in Douglas County. So that was one piece of the situation. And then I was the one, I believe that a student has to report any sort of criminal-- if anything happens, you have to report it to UNL. But I wanted to make sure that I was protected, so I went forward on my own and contacted UNL, went through those channels to ensure that when I was in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

Lancaster County that the same protections would cover me and that the same consequences would be in place for that person.

**BREWER:** Do you know whether the connection was made between the Lancaster County law enforcement. And again, I'm not sure who, who actually handled it, but the connection was made with UNL so the two of them worked together to try and figure out?

**GISELLE NEVAREZ:** I believe they were. I was, I was outside of this process. I was really only involved as far as reporting and, you know, being the one who has these protections for them. But I, if I can remember correctly, I know that there was communication between Douglas County, Lancaster County, UNL-PD and the Title IX office. Those directors were kind of the crux of it.

**BREWER:** So on the, the situation where your abuser, or whatever title we want to give that person, the Title IX folks-- and you may have to help me so I understand this. Their part in that is, is they're to be kind of your caretaker, watchdog to make sure that whatever happened, that the right information is collected and that it's handled in a way so that you're not having to deal with some of this? Because I still am, I mean, multiple people testify to this that they end up having to spend either class time or be around the very person that caused the situation. You would think that would be the first thing they would want to do is somehow make sure that that situation didn't continue.

**GISELLE NEVAREZ:** Right. That is, that was my ultimate hope with the Title IX team. I was hoping that there would be absolutely no instance where I would be seeing this individual on campus. They looked at our class schedules and he and I were different majors, so we weren't really ever in the same building. But as far as a living situation, I felt that was the most important place to confront and make sure that, you know, I'm not going to see him, he's not going to see me. There's no contact. Neither of us want this. But when I presented that case, they told me that he has rights too. And yet the inconvenience would fall on me having to move, whereas he could still stay living in the situation that he had planned on living in.

**BREWER:** And when you say they, you're talking Title IX folks? All right, thank you.

**GROENE:** This is the University of Nebraska campus, Lincoln?

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Education Committee March 12, 2019

**GISELLE NEVAREZ:** Yep, yep. Lincoln.

**GROENE:** Now, call it unlucky, but 30,000 students you ended up by happenstance in the same housing?

**GISELLE NEVAREZ:** No, I had roommates--

**GROENE:** Something about a 50/50?

**GISELLE NEVAREZ:** Yeah. So I had roommates living with me at Knoll, and they had already gotten a room on the third floor of the 50/50. And they asked for someone to fill the fourth spot. So I said, OK. I know you guys, I already lived with you, I'll live in this room. And this other individual had friends. And it happened to be on the same floor. I-- that was not something that I had planned.

**GROENE:** No, it was coincidence.

**GISELLE NEVAREZ:** What was that?

**GROENE:** Coincidence. Just bad luck.

**GISELLE NEVAREZ:** I don't know if I would call it bad luck or a coincidence, but that was, that's what the situation was that was reality.

**GROENE:** All right. That's what I mean.

**GISELLE NEVAREZ:** Yeah.

**GROENE:** And I just don't know why the housing authority did that, if they, if you had to protection order.

**GISELLE NEVAREZ:** Well, we had already agreed to sign the lease and live there before this incident happened. And so when, yep, when he attacked me, I was-- I didn't want to live on the same floor as him.

**GROENE:** I didn't know the time line.

**GISELLE NEVAREZ:** Yeah.

**GROENE:** This all happened prior, prior to your--

**GISELLE NEVAREZ:** Right, so--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**GROENE:** Your protective order.

**GISELLE NEVAREZ:** Yeah. When you, when you, I guess, apply for a room at the 50/50, you have to do so before the end of the previous school year. This attack happened after school had ended in the summertime. And I came back, I was making these plans in June or July to make sure that I would not be there when he was there.

**GROENE:** I just wanted to make sure that the university didn't put you in the same building with this individual--

**GISELLE NEVAREZ:** No they didn't--

**GROENE:** --after you already had a protective order.

**GISELLE NEVAREZ:** No, they didn't put me in the same building, building. But where I felt they could have done more was making sure that he was no longer there.

**GROENE:** Thank you. Thank you for your testimony. Any other questions from the committee? Thank you for taking the time. Any other proponents? Opponents?

**TAMI STRICKMAN:** Good afternoon, Chairman Groene and members of the Education Committee. My name is Tami Strickman, T-a-m-i S-t-r-i-c-k-m-a-n, and I am the Title IX coordinator at the University of Nebraska-Lincoln. On behalf of the University of Nebraska, our four campuses, and 52,000 students, I am here today in opposition of the green copy of LB702. As we've heard from very powerful testimony, our work in this area is not done. I want to begin by thanking Senator, Senator Cavanaugh for raising important issues related to campus safety. No student should ever have to feel unsafe, and the University of Nebraska is absolutely committed to preventing sexual misconduct and providing full action and support to those impacted when it does occur. We thank Senator Cavanaugh for her leadership. And we will continue to work with her and members of the Legislature in addressing these issues, because no student should have to go through some of the experiences that were expressed here today. However, while we support some of the underlying concepts of LB702, we have concerns about some of the language with the bill as written, as we did with similar bills that have come before this committee in the past. Number one, the legislation raises constitutional questions related to the Board of Regents v. Exon, Nebraska Supreme Court decision. That decision held that the elected Board of Regents has the responsibility to manage and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

operate the University of Nebraska. Number two, there is overly broad language in LB702 that creates ambiguity about practices and procedures, and we fear that these would lead to confusion among our students and campuses. And number three, there are provisions in LB702 that conflicts with current and proposed federal regulations. In light of the fact that we, like all universities who receive federal funding, are heavily regulated at the federal level on these issues related to sexual misconduct, state laws that differ from those at the federal level would effectively create a competing framework in which to investigate and address these matters. Let me say a word about the steps the University of Nebraska has already taken with regard to sexual misconduct. Here, I have several hundred pages of documents that can give you a much greater detail on our reporting, our policies, and our resources we offer our students, faculty, and staff. Links to all of these documents are included on the Title IX backgrounder I provided here with my written testimony. I think this committee can be proud of what the university is doing to create a culture that values safety, awareness, and education. Each of our four campuses has a designated Title IX coordinator who oversees and ensures compliance with federal mandates. The Title IX coordinator educates the campus on relevant policies and procedures, including how to file a complaint, how complaints are investigated, we work with law enforcement when necessary, and ensure the prompt resolution of complaints. The university also provides outreach and support to parties who are involved in any investigation or have been subjected to sexual misconduct or intimate partner violence. Support may include: academic and housing modifications, advocacy and counseling both within the university and with community partners, and safety planning with our university police department. I mentioned the conflicts between the language in LB702 and current and proposed federal regulations. These include provisions that may result in the release of a reporting party's identity or disclosing the identity of a reporting party to another student, an employee, or a third party. These provisions and LB702 are prohibited under the federal Clery Act and the Family Educational Rights and Privacy Act. Another concern is that LB702 contains definitions which do not align with the federal regulations and definitions that refer to a specific date. For example, definitions in LB702 define terms as they existed on January 1, 2019. This will limit an institution's ability to change or modify definitions if they change at the U.S. Department of Education. Aside from definitions, another concern we have is that some of the language in LB702 is overly broad and may cause confusion. Phrases like "significant delay," "easily available," and "reasonable measures."



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Education Committee March 12, 2019

LB702 does not define these terms or clarify who makes these determinations. Furthermore, it creates ambiguity about the roles of the university compared to local law enforcement. The U.S. Department of Education often modifies its guidance and regulations, but even with some of the changes universities are still mandated to educate and address matters involving sexual misconduct. Most of the changes at the federal level deal with procedural issues. I want to reiterate that the University of Nebraska is strongly committed to preventing and addressing sexual misconduct. While we oppose LB702 for reasons I've outlined, we look forward to working with Senator Cavanaugh on her newly introduced amendment on a path forward. Thank you.

**GROENE:** Thank you, any questions? Senator Linehan.

**LINEHAN:** Thank you, Chairman Groene. So you were here, I think, for Mr. Sanford's testimony. You probably don't have a copy of it, but he talked about the CDC. So just a paragraph in his testimony: the CDC suggests steps that can be taken to build infrastructure around the prevention of campus sexual violence. These steps include having well-trained staff that have been trained using standardized training. Do you have that?

**TAMI STRICKMAN:** Yes.

**LINEHAN:** Hiring dedicated prevention staff.

**TAMI STRICKMAN:** Yes.

**LINEHAN:** Making prevention an integrated priority of the campus as an organization.

**TAMI STRICKMAN:** Yes.

**LINEHAN:** Creating collaboration across the campus.

**TAMI STRICKMAN:** Yes.

**LINEHAN:** And finally, fostering relationships where referral services.

**TAMI STRICKMAN:** Yes.

**LINEHAN:** So how big is your Title X [SIC] office?

**TAMI STRICKMAN:** I am the Title IX coordinator. I have 3 Title IX investigators that work within the office. So there are four of us

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

dedicated to Title IX. In addition, in the past year, after I testified before this committee on one of Senator Morfeld's bills, our student affairs office has built up an advocacy and support unit. So we went from having a part-time victim advocate who was community-based to an internal UNL employee who is a coordinator for advocacy and support and a trained advocate, a full-time victim advocate, and a part-time victim advocate.

**LINEHAN:** But do they work from your Title IX office?

**TAMI STRICKMAN:** We collaborate with them. Because the Title IX office is not an advocacy office in and of itself, it is more of a compliance office, we collaborate with partners across campus to ensure that we are doing everything that we can to protect the health and safety of our students when they are subjected to any form of sexual misconduct. So they are still internal to the university.

**LINEHAN:** So you have three people working compliance and one-and-a-half people working in advocacy?

**TAMI STRICKMAN:** Well, two-and-a-half if you include the coordinator, who is also a trained victim advocate. And then we also collaborate with partners.

**LINEHAN:** So how about the other university campuses?

**TAMI STRICKMAN:** UNO, I believe, has two victim advocates. I am not sure on the medical center.

**LINEHAN:** Are they full-time paid staff?

**TAMI STRICKMAN:** I think they are.

**LINEHAN:** OK. I think it would be helpful for the committee if we actually knew who, who's involved in this at each campus, and the numbers and their caseloads.

**TAMI STRICKMAN:** I'd be happy to provide that.

**LINEHAN:** Thank you very much.

**GROENE:** Senator Brewer.

**BREWER:** All right. You've been here the whole time and heard the other testimony, right?

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Education Committee March 12, 2019

**TAMI STRICKMAN:** Yes.

**BREWER:** So you can see how, if you're someone who's not on campus, you're not able to have a day-to-day visibility on things, you can't help but be a little bit shocked to hear everything that we've heard here today. If you go back and look at Ms. Barnes' statement, and again, this is UNO that she's specifically talking about here. She said that after reviewing the annual campus security and fire report for UNO, forcible sex offenses on campus doubled and stalking triple from 2015 to '16, domestic violence on campus tripled from 2016 to '17, forcible domestic violence in housing increased five times in the same year while stalking tripled on public property, doubled in housing areas between '16-'17. Now again, these are words on paper, that doesn't mean they're facts. But you can't read that and not all of a sudden kind of freeze in your tracks and go, holy cow, is, is the train off the tracks here? If we were look at the overall, the University of Nebraska, and Senator Linehan actually kind of touched one of the issues I was going to say. Do you guys cross talk between Kearney, UNO, UNL, UNMC to see if there's patterns, if there's issues, if there's behaviors that are consistent and that you can kind of cross talk to understand what's going on or if there's something you're not doing that you need to do?

**TAMI STRICKMAN:** Yes, we do meet routinely to talk about what's going on, on our campuses, best practices, programs that have been successful areas of improvement. All of those types of issues.

**BREWER:** What Senator Linehan asked for, if we could get some way to see visibility on the, on the Title IX side for all of the campuses, that would be good. And then if you have any type of a roll up of information that give us, that gives us the stats of the information that you have that people have actually, you know, went in and provided to you in whatever type of interface you have with the different situations. I think that would give us a better pulse for what's going on.

**TAMI STRICKMAN:** I'd be happy to.

**BREWER:** Thank you.

**GROENE:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you. I guess I'm just interested-- thank you for being here, Ms. Strickman. And I'm not going to mention the green copy

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

again, but I am interested in the fact that, I mean, talking about whether the policies are easily available. So you don't post on-line?

**TAMI STRICKMAN:** We do. My point to that was that some of the language in the state statute proposed an LB702 is overly broad and it may cause confusion. So that was just an example of an area, of an area where I think we can work together to firm up some of those phrases so it is clear to students, faculty, staff, members of the community, on what that means and where we would be posting it, how it would be available.

**PANSING BROOKS:** Sometimes we are, we are asked not to be so specific on how, how each step is taken. And so the adoption of reasonable measures. I mean, if she'd said best practices, would you have felt better? Because literally for us to sit and tell you every step in your field that you should take, that would be much more inappropriate to me than saying that the university shall use best practices.

**TAMI STRICKMAN:** I think, I shall use best practices or practices that align with the current federal guidance or regulations would be clearer to institutions to implement those.

**PANSING BROOKS:** Thank you.

**GROENE:** Senator Murman.

**MURMAN:** Yeah, thanks a lot for coming. We heard a lot today, I think, on trauma-informed counsellors. I'm not sure that's exactly the right terminology, but do you think that is being addressed sufficiently?

**TAMI STRICKMAN:** I do. Myself and my three investigators all have undergone trauma-informed training so that they can interact with complainants or survivors of sexual assault, intimate partner violence. So that is something that is certainly being addressed across the campuses.

**MURMAN:** OK. And then also just to follow up a little bit on that, also like education to prevent sexual violence.

**TAMI STRICKMAN:** Yes.

**MURMAN:** How much of that is being done?

**TAMI STRICKMAN:** Well, I myself do a lot of the in-person training on Title IX across the Lincoln campus. So I am sure that I go out and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

meet in person with administration, deans, directors, a lot of our student body. So organizations will oftentimes invite me to different events. All of our students who come through fraternity or sorority rush, all of our athletes, all of our resident assistants, resident directors, associate directors of housing all, all undergo that type of training. We also are doing a lot of outreach through our new, our new advocacy and support unit, so they are doing things such as healthy relationships, introducing themselves to our student body and our employees, talking about what their services are, how a student can come and connect with them. So we have been doing a lot of routine and regular outreach across campus on all of those different areas.

**MURMAN:** Thank you.

**GROENE:** Senator Linehan.

**LINEHAN:** Thank you, Senator Groene. So that was a lot, that sounds all wonderful. But I didn't hear that every student that walks on the campus gets contacted.

**TAMI STRICKMAN:** Every new student, before they come onto campus, is sent a link through their student portal where they are informed that they need to complete that training. It's a Title IX training before they come to campus. And that does provide not only information about what Title IX is, what the expectations are, what the resources are, but also who the Title IX coordinator is on that campus and how to connect with.

**LINEHAN:** So they have to complete that course before they can start class?

**TAMI STRICKMAN:** They are, they are told it's required. We do not put a hold on their account if it is not completed, but we have had great success with the numbers of students who have completed it before they have come onto campus.

**LINEHAN:** Why wouldn't you just say they have to do it?

**TAMI STRICKMAN:** I think that there has been some concern about either revoking admission or holding their account before they can come onto campus. So they are asked to complete a series of different trainings and--

**LINEHAN:** Yeah, but kids are, not to-- I'm sorry to interrupt you, but they all talk to each other. So as soon as they know they don't really

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

have to do it and they have to do all these other things. Unless I was very unique, I mean, you do what you have to do. And it's that unusual student that does everything you're asked to do. So it'd be another thing to see how many kids are actually-- because it's a little, a little concerning that you would say that during rush week those kids all get talked to but the kids that show up from, you know, Crab Orchard, Nebraska, aren't spoken to. It's a little, it's a little bit different treatment there. That would concern me.

**TAMI STRICKMAN:** Well, we send the message to all of our students that it is an expectation for them to complete. I understand--

**LINEHAN:** But some students you actually talk to and some students you just send a link to.

**TAMI STRICKMAN:** Well, we send the link to all of the students. Some of the student organizations and different events that are happening on campus invite us to come and do a personal presentation. So it is not that I am just going in and doing these types of presentations. People will ask for me or one of my colleagues to come and present on issues that they want covered in person. They want the Title IX coordinator there in person. So I would like to do in-person training.

**LINEHAN:** But you can't possibly do that, you're only one person. And how many students are at Lincoln campus?

**TAMI STRICKMAN:** That's why we do the student portal on-line training as well.

**LINEHAN:** OK. Thank you very much.

**GROENE:** I looked up Title IX. There's a lot more to that than the rape and domestic violence rape and harassment. I mean, you've got to make sure the sports programs are balanced. You have to make sure that discrimination doesn't happen, happen in promotions and each department. You've got to make sure that a student is not discriminated against in the grading system by a professor. You've got-- the sexual part of it seems like it's been the focus but you've got a lot of things on your hand, don't you? Do you not?

**TAMI STRICKMAN:** I do. Yes. In the past, I'd say about five years, the focus of Title IX has turned a lot to sexual misconduct on college campuses. So that is where a lot of the national landscape has focused

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

on. But it certainly covers all of those different areas that you just talked about.

**GROENE:** And the secretary's been being treated badly or not promoted out in an office on the campus. You have to take those complaints too, do you not?

**TAMI STRICKMAN:** Yes.

**GROENE:** All right.

**TAMI STRICKMAN:** So I do have a different colleague within the equity and compliance office that primarily handles employee-type concerns.

**GROENE:** So as far as the sexual harassment and rape, you have no enforcement. You're not law enforcement. So what in statute do you have the authority to do?

**TAMI STRICKMAN:** Well, we have the authority, if we have met our standard of proof and we determine that there has been a violation of our policy, to sanction anywhere from warnings; probation; up to separation from the university, whether that be temporary, for a fixed period of time, or a permanent separation. So in some of the more serious cases, we have had to separate students by expelling them. In some of the cases where we've been able to resolve, or that may not involve any type of assault or physical harm, intimate partner violence, we have been able to address some of those with sanctions where there are things like the no-contact order. Where the students agree that they are not going to get, further engage. Probations, mandatory training, there is a whole array of different things that we can do.

**GROENE:** So if a student comes to you and they're, and they say you're, they're being harassed, you know, stalked or whatever you want to say, do you talk to the individual who they accuse and then you solve it right there?

**TAMI STRICKMAN:** No.

**GROENE:** You do not do that?

**TAMI STRICKMAN:** No. What we would do is we would first give that reporting party their various options. So some students will come in and they will say, I'm being stalked and I want to file a complaint with this office. I want it investigated and I want an outcome

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

rendered. Others will say, I would just like you to document this. I don't want anything done formally. I just want the Title IX office to know, so if this continues to be a problem or somebody else is subjected to this type of behavior, I can come back and you already have this.

**GROENE:** You don't do any conflict resolution where two individuals, and the person doing the harassing if somebody just says back off?

**TAMI STRICKMAN:** That's the third option that we present to the reporting party. And if they say, yes, I would like to do conflict resolution, then that is what we will try to do.

**GROENE:** And you have done that?

**TAMI STRICKMAN:** Yes.

**GROENE:** So there is a process?

**TAMI STRICKMAN:** Yes.

**GROENE:** All right, thank you. Any other questions? Senator Murman.

**MURMAN:** Yeah, I've got one more. And I'm not just talking about the University of Nebraska here, I'm talking about our whole educational system. But, you know, part, part of that would be for you also. I think part of the problem is that students and our whole educational system aren't taught right and wrong. You know, they're sometimes taught, you know, that's all relative. I'm just wondering if when, especially when a new student applies for the university, if they had some kind of really strict guidelines on what's expected and what's right, what's wrong, if that might be helpful to prevent these types of situations.

**TAMI STRICKMAN:** I think it could be helpful. I think something that would be more helpful is training in the K-12 schools. And I have seen some educational systems start to really focus on that area, because I agree that sometimes students come to a new institution, they're away from home for the first time. It's the first time that they've had more freedom to do what they want to do and there have been issues. And so I think really focusing in when they're younger is extremely helpful and effective.

**MURMAN:** I totally agree, but I do think that, you know, when they do go to a new institution, such as the University of Nebraska, if they



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

had some type of document or some type of the strict rules that they would have to abide by, that that would be helpful there also.

**TAMI STRICKMAN:** We do have our student code of conduct, and our student code of conduct does contain sexual misconduct policy that outlines what is not acceptable at the university; what the process will be if they are accused of engaging in that type of behavior; and what that whole process looks like, including potential outcomes and sanctions.

**MURMAN:** I would hope that would be really highlighted in some way, pointed out to them. Thank you very much.

**GROENE:** Any other questions? Thank you.

**TAMI STRICKMAN:** Thank you.

**KRISTIN PETERSEN:** Good afternoon. Excuse me. My name is Kristin Petersen, K-r-i-s-t-e-n, Petersen, P-e-t-e-r-s-e-n. I'm the general counsel and vice chancellor for employee relations for the Nebraska State College System. I'm testifying today on behalf of the chancellor for the Nebraska State College System in opposition to LB702. I've provided a packet of information containing three documents. There is a letter that Chancellor Turman sent to Senator Cavanaugh last week detailing the State College System's position on LB702. There's also a clean copy of the bill and a legislative format copy with our edits in it. As Dr. Turman stated, excuse me, in his letter, the Nebraska State Colleges share the governance concerns that the university has voiced. We believe this bill is encroaching on our board's constitutional authority to govern and operate our colleges. So our first preference would be that LB702 does not move forward or that a reporting bill be adopted in its place so the Legislature could be provided assurances that we are doing our reasonable efforts to maintain a safe campus environment for our students. Many of the requirements in LB702 are already mandated by federal laws, and I can't even over stress to you how many federal laws guidance, regulation that we are currently obligated to follow. We also look at just guidance documents and best practices under Title IX. LB702 creates new obligations that may or may not correspond to the new federal regulations that are pending at this time. This period of federal regulatory uncertainty is an inopportune time to create another layer of requirements on our colleges, and it will necessarily increase costs for our colleges as we attempt to comply with potential inconsistencies and, and conflicting state and federal requirements. Additional resources that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

are, that are very scarce anyway for our staff time and funding, would be better spent toward more programming for our students, staff, and faculty. And we would work toward that end to hopefully decrease the number of incidents that we have of sexual assault on our campuses. Our other option or preference for this bill is that it would be reconsidered at a future date when the federal landscape is more certain. We met with Senator Cavanaugh, Cavanaugh and the other representatives from the community colleges and from the university in February. We discussed our concerns at length, unfortunately we were not all able to reach consensus on LB702. We appreciated the opportunity to meet with the senator, and we remain available to meet with her and her staff in the future as we talk about the bill. Shortly before I came over this afternoon, an amendment to the bill came through. We went through it quickly to try to identify changes, but we won't need to go back through that and look at how, how the amendment changes the current language of LB702. Thank you very much for the opportunity to speak today. I know it's been a long afternoon, but I'm happy to answer any questions you might have.

**WALZ:** Any questions from the committee? Senator Brewer.

**BREWER:** Thank you, Madam Chairman. All right, let's see. Where do we begin? If we go back and look at some of the comments that have been made about where they thought there were failures. And if we kind of slow the, slow walk this back we, we had a little bit of information was provided as far as there is guidance in a student handbook. And I would assume that the state colleges would have something similar.

**KRISTIN PETERSEN:** Yes.

**BREWER:** So from the get-go, there's guidance given to the students knowing what right and wrong looks like. If we look at the prevention part of it, I mean, I guess you could consider that part of the prevention too, they're told what they're expected to do or not do. Is there other activities or information that's shared during the academic year that is out there to take care of this prevention part of it? Because that obviously is something that has to be addressed.

**KRISTIN PETERSEN:** Yes, there is. There are a number of efforts, programming, activities that go on at all three of our state colleges. We have speakers, we have group forums, we have advocacy groups from the communities come in, we have our Title IX people, and also our system office Title IX person. They go out and meet with a lot of the groups I think that were mentioned by the university: the sports

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

teams, the housing, the community groups, clubs, organizations on campus.

**BREWER:** And that was, sometimes Senator Groene says things that don't make sense. But the part when he was talking about what all fits in the category of Title X [SIC], it does look like that's a pretty big umbrella, everything that fits in there.

**KRISTIN PETERSEN:** Title IX, and, yes--

**BREWER:** Sorry, sorry.

**KRISTIN PETERSEN:** No, no.

**BREWER:** Title IX.

**KRISTIN PETERSEN:** That's fine. It is a huge area, and we have limited resources to, to meet an ever-growing number of those requirements.

**BREWER:** We had an explanation on the university system, and that was kind of a conversation we had about, you know, understanding what the issues are on the different campuses. How many do we have that are handling that? If we flip that over and look at the state colleges, likewise, whether we're in Chadron State or Peru or Wayne, there are either, there, there's a night Title IX rep or an office there. And that's their primary purpose, if someone does have a situation. Is there going to be that on-campus coordinator to, to interface with campus security or law enforcement to, to bring that together. I mean, is that a correct way to look at it?

**KRISTIN PETERSEN:** Each college has a Title IX coordinator. Each college also has designees that can stand them in place or assist the Title IX coordinator if we have too many ongoing investigations. Also at the system office we have a coordinator. So there is one person in the system office, so that when an issue comes up at Chadron, we can share best practice information, we can share concerns, and there and we have an advantage because we're smaller in that regard.

**BREWER:** Well, with that said, the downside of being smaller too is you probably do not have a dedicated uniform badge-trained law enforcement person on those campuses. Do you have just security or do you actually have--

**KRISTIN PETERSEN:** We have campus security at all three institutions. Also at Wayne and Chadron, we have wonderful collaborative agreements

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

with law enforcement. We have a campus resource officer that is on campus a set number of hours during the academic year. That they assist our--

**BREWER:** So he is, he is a Grand Island-graduated no kidding law enforcement guy with badge and gun and the whole works?

**KRISTIN PETERSEN:** He would be an employee of for example the Chadron Police Department or, or the Wayne Police Department.

**BREWER:** Chadron Police Department who is on the campus.

**KRISTIN PETERSEN:** Peru doesn't have that same advantage, but they work very closely and very well with the Nemaha County Sheriff's Office. We've been extremely pleased with the way that we've been able to work with those entities. They are law enforcement. They're not in the same business we are, but it's been respectful and collaborative.

**BREWER:** Do the state colleges track incidents, whether it be assaults, rape, you know, that whole spectrum of crimes? Is there some type of a roll-up report they do annually?

**KRISTIN PETERSEN:** All the institutions, all the institutions of higher education are required to do the reporting under the Clery Act. And that's available, those statistics are available on our Web sites.

**BREWER:** All right, we need to probably go and get those. Thank you.

**KRISTIN PETERSEN:** You're welcome.

**GROENE:** Any other questions? Thank you.

**KRISTIN PETERSEN:** Thank you for your time.

**BEV CUMMINS:** Good afternoon. Thank you, Chairman Groene and members of the Education Committee. I'll make this pretty brief. You've heard a lot. My name is Bev Cummins, B-e-v C-u-m-m-i-n-s, I'm the vice president of student affairs and the Lincoln campus director of Southeast Community College. And as you've heard with all the testimony today, this is an incredibly important bill and it's one that we get right. And addressing a lot of the issues that we face all the time on our college campuses is, is of utmost importance to the campus leaders. And so when we review this bill, first of all, going in opposition to the green version, and looking closely and working very closely with Senator Cavanaugh in regards to the amended version,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

there is just one area that I'd like to highlight a little bit more that I know gives us pause with the community college system. In addition to the ones that have already been highlighted by the university and the State College System. And that is in regards to requiring policies and procedures with the local law enforcement. We are spread out, for example, at Southeast Community College, over 15 counties. And while we've got great working relationships with the Lincoln Police Department and several of our, our local agencies, it does get rather cumbersome to create memos of understanding already with each of these different law enforcement agencies to establish policies and procedures as outlined in the original version of LB702, would be much more problematic and a lot more work on our end. And I'm just not sure if we can enforce it. In other words, we don't have any jurisdiction over those law enforcement agencies. So for us to be held accountable for policies and procedures that they would also have to comply with is problematic. As mentioned, there would be some fiscal impact relative to training, to ensuring that we've got enough staff. We run pretty tight a lot of times in our community colleges when it comes to staffing. And so this would require us to add additional individuals to meet those needs. But so for these reasons, on behalf of SCC and the community colleges in Nebraska, we physically oppose the green version. But we are excited to work with Senator, Senator Cavanaugh and her team in regards to an amended version. I'd take your questions.

**GROENE:** Senator Brewer. Did you have your hand up?

**BREWER:** I did. But you're starting to kind of have an attitude.

**BEV CUMMINS:** That's why I kept it short.

**BREWER:** Now, did, did, how recently did you see the white copy?

**BEV CUMMINS:** Just before I walked in today. Well, I mean, we did see versions of it, that one.

**BREWER:** I didn't see versions of it, so I'm trying to compare the two. And so, you know, what I asked earlier about the issue of the appropriations note that comes with it, I'm not sure we're all just going to be when you open green to the white copy and trying to compare the verbiage. So, I mean, I kind of understand where you're coming from because the last thing that we need to do is take this mountain of federal regulations, that you're already trying to make and where we're at, and then we're going to gum it up and put

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

something that's going to cause confusion and not fix the problem. So, you know, at some point we may just have to dissect this white copy here and fully understand what that says and how it's going to affect things. The system is a lot cleaner for the university, in that they're in an environment where that law enforcement element is woven in or it's a law enforcement element they control and they have oversight of. For the community colleges and the state colleges, it's you're at the mercy of that town and that department and whether or not they're going to find this is their priority of the day or not.

**BEV CUMMINS:** Absolutely.

**BREWER:** So anyway, as we go along, the idea that, that you've got your campus is split to so many places is something that has to be weighed, because you can only affect what's on your property. All right. Thank you.

**GROENE:** Any other questions? Do you have a Title IX office?

**BEV CUMMINS:** Yes, we do. Our Title IX office, we have a vice president of access, equity, and diversity. He is the Title IX administrator, and then we have a Title IX coordinator, and they are located at the area office. So in response to an allegation of sexual assault, sexual violence, typically, the Title IX coordinator works directly with the dean of students on that campus to do the investigation and the follow up. And the dean of students, typically, is identified as that individual along with a success coach to be the advocate on the campus for the student.

**GROENE:** But what they're advocating here doesn't absolutely have to tie into Title IX. It could be the college has a student advocacy office for complaints. Because we seem to automatically tie it to Title IX. But rape is rape. I mean, it doesn't have to be a federal law to describe or complain about it. So, but do you have that?

**BEV CUMMINS:** A student advocacy office?

**GROENE:** Well, counselors, student counselors or whatever when somebody comes in, they have a problem at the student health center that they can--

**BEV CUMMINS:** We do not have a student health center on our campuses. We have our deans of students, who are also assistant campus directors. So they kind of have oversight over that campus. We have

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

success coaches that help students to be successful while they're there, but they, everybody kind of wears a lot of hats at community colleges.

**GROENE:** I understand. Thank you. Senator Linehan.

**LINEHAN:** Thank you, Chairman Groene. Kind of listening to the colleges, community colleges. And I don't expect you to, just maybe you could get back to us on this, because I don't want to put you on the spot. But your Title X [SIC] staff, how much time, and I would, if the other schools are here, I would like to know this too. How much time is your Title X [SIC] staff focused on students versus focused on staff? Because, you know, are we protecting-- where is the focus? And I'm not familiar with, I mean, I read the papers, but I don't understand the details of Title X [SIC]. But it was originally for students, right?

**BEV CUMMINS:** It was originally to ensure equity in sports and athletics.

**LINEHAN:** Right. So how much of-- has it shifted, kind of floated to where it's also more staff-focused, employees-focused?

**BEV CUMMINS:** I'm not--

**LINEHAN:** Or is it still student-focused?

**BEV CUMMINS:** I think it's both. I feel like it's just expanded and focused on both students and staff. In my opinion but I'd--

**LINEHAN:** I think it would be interesting in committee if we had an idea of how much man hours are focused on which group.

**BEV CUMMINS:** And are you, can I ask a question? Are you talking prevention, awareness, and response in all of those areas?

**LINEHAN:** No, I'm just talking about the whole office.

**BEV CUMMINS:** The whole office? OK. I'll get that to you.

**LINEHAN:** Thank you.

**GROENE:** Thank you. Any other opponents? Neutral? Where's my deal? We received letters of proponents from the Nebraska State Education Association; Nebraska Psychological Association; the executive

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

director of OutNebraska; Eleanor Avery of Lincoln; state executive director of Planned Parenthood of the Heartland; Sydney Butler of Lincoln, Nebraska; Sherry Helmke, Survivors Rising; president of UNL Students for Planned Parenthood; Mo Neal of Lincoln, Nebraska. Opponents, none. Neutral, none. Senator Cavanaugh, would you like to close?

**CAVANAUGH:** Yes. Thank you, Chairman Groene and committee. I appreciate everyone coming out today and testifying before this committee and sharing their thoughts and experiences. I wanted to give you some background on the time line. I'm sorry that this has been a little "who's on first, what's on second" for everybody. So LB702 was introduced towards the end the bill introduction in January. On February 19, I met with my staff, the state colleges, the community colleges, and the University System, and Creighton to discuss the concerns with the green copy. On February 25, I had an additional meeting with a representative from the university indicating that I was willing to work with everyone to make whatever changes we needed to do to have this be a strong bill that would serve both the universities, the colleges, the state colleges, and the student bodies. On Friday, March 8, I received the white copy from the state colleges and then I received a white copy from the University of Nebraska. What you have before you, AM683, is almost identical to what the state colleges submitted to me on Friday, March 28. I made some changes, which are-- I realized that I hadn't included harassment in the original bill, so I added that across the board. And then on page 6, section 11, line 19, I changed a "may" to a "shall," which I consulted with some lawyers as to whether or not that would change the constitutionality of this. And because it is a "may" on line 23 of what that, of what the training would include. It is their opinion, and mine as well, that it is constitutional, but we can have that conversation further if you would like to. It is not my intention to create an unconstitutional bill. So if there is more work to be done. I'm happy to do it. So there is a lot of information flying around today and I just wanted to first start out and clarify that I have been trying to work with everyone. And the University of Nebraska is opposed to the green copy and the white copy that I have submitted. The feedback that you heard today from the university about language changes are new to me, and I'm happy to work on that and have that conversation. They also received the copy from the state colleges on Friday, so I'm sorry that we weren't able to have that conversation before now. I, previously the green copy was too narrow in what it is and how it prescribed this was all to be carried out, which was the



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

problem that everyone had previously. Apparently now it is too broad, so maybe we will find a porridge that is just right. But we will continue working on that as well. I think one thing that we learned from today is that there is no uniform training for all students when it comes to what is consent, prevention, resources, and kind of violence that is happening. And this bill, I hope, will work towards that end of creating some continuity for all of us, a common language. Language is important, words are important. And for us to have some commonality across the state, across our educational institutions, I think is really important. As you heard from one of the students who considered transferring, if she had transferred, even within her own university system, she, she, didn't really know what she would be getting into. So the purpose for me is to increase victims feeling like they're able to report, requiring the university, state colleges, and community colleges to direct victims on what it is that they can do, what resources are available to them, and what their options are as far as law enforcement goes. This bill does not assume that they have already contacted law enforcement and it does not assume that they absolutely will contact law enforcement. It can be any of those situations. We've heard lots of national stories about universities not handling sexual assault well or at all. Michigan State is one that I think we all remember quite, quite recently with Larry Nasser and the, the assault that he perpetrated against dozens and dozens and dozens of students. Penn State in 2011 with Jerry Sandusky and how poorly the university handled that over decades. I don't want the University of Nebraska or any of our colleges or community colleges to be that next story. And unfortunately for me, there are entities, educational entities that are that story. When I was in college one of my very good friends was drugged and raped by a basketball player. She was a student athlete. She reported it to the director of athletics and they didn't, they didn't tell her to go to the police. They had the basketball coach sit her down and talk her out of doing anything. That's despicable. That coach went on to another university and we'll probably see that coach coaching in the March Madness. That's the reward for not taking care of our students. My friend went on to do other things and has a beautiful family, but the system failed her. And I don't want the system to keep failing our students. We've heard from so many students today who've failed and it's, it's not right. There's no reason for any student not to be directed to resources and to be directed on how they can report it to authorities if they wish. But instead, to be sat in front of someone in power and told, you don't want to ruin somebody else's life. I don't want to ruin

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

anybody's life, I just want to make sure we're protecting our students. So I'd be happy to answer any questions you might have.

**GROENE:** Any questions? Thank you, Senator Cavanaugh.

**CAVANAUGH:** Thank you.

**GROENE:** That closes the hearing on LB702. Go on to LB, the hearing on LB27, Senator Kolterman.

**TYLER MAHOOD:** Hello, Chairman Groene and members of the Education Committee. I apologize, Senator Kolterman is still tied up in Appropriations, so he asked me to introduce this bill on behalf of him. My name is Tyler Mahood, M-a-h-o-o-d, and I am here to, here today to introduce LB27. LB27 as being introduced on behalf of the Nebraska Community Colleges Association who seek to have greater flexibility in their budgeting process. LB27 would do away with a general fund and capital fund levy distinction which currently exists. Removing the 2 cent capital levy distinction would allow each community college board to decide on how much they would need to allocate for both general funds operations and capital investments. And we want to be clear, LB does not change the 11.25 cent maximum levy and does not change any of the budget lid requirements, but it just eliminates the distinction between the two funds. Testifiers behind me will be able to better explain how the levy and the budget limitations currently work and why this proposed change would benefit the work of our community colleges. With that, I'm open to address any questions, but I would like to defer them to testifiers who follow. Thank you.

**GROENE:** Proponents?

**GREG ADAMS:** Members of the committee, my name is Greg Adams, G-r-e-g A-d-a-m-s. And before I say anything else, Senator Groene, I look out here at the room and that's what always happens when I introduced bills in the past. Everybody get up and leave. It's like the bus was running.

**GROENE:** Very thankful.

**GREG ADAMS:** Then I'm going to make my testimony short. I know that it's late. We thank Senator Kolterman for introducing this bill. At the risk of insulting the committee, and it certainly is not my intention, when you read this bill you probably-- head swims just a

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Education Committee March 12, 2019

bit. And then you reread it and then you reread it and wonder, really, what's going on. Let me try to just cut to the quick and save some time. Right now in statute the maximum levy authority of any community college in the state of Nebraska is 11.25 cents. That is maximum. This bill does not change that. It does not. I might also add that, really, with two exceptions right now-- one is a bond issue done in 1997 with Western Community College, which is nearly to be, very near to being retired; and a second one done specifically for Central Community College, their Hastings campus for handicapped accessibility and environmental abatement-- there is no exceptions to that 11.25 cents. You can't go beyond it. That's it. None of the other colleges for instance can levy over and above that for handicapped accessibility or making environmental adjustments. So imagine this. We begin with that 11.25 cap. All right, that's the maximum. Right now I would tell you that the levies, if you look at all of our six community colleges, Western Community College's is the, it's the highest levy and it's at 9.8, I believe. And the lowest would be Mid-Plains Community College at 7.5, 7.4, something like that. So that, that's the range. Most of our colleges, with the exception of Mid-Plains, are right in that 9 cent, 9 cent range. None of that changes. We're not asking for an exception to the lid. We're not asking for a change to the lid. Underneath all of this the statute says that the community colleges can in a given year levy up to 2 cents for capital and the rest for operating. Still under that 11.25. But there's another safeguard: budget authority. So when the community colleges build their budget not only do they have to be concerned about the 11.25, but none of our colleges are anywhere near it. What they're concerned about is their budget lid that's also there. Underneath the budget lid the college can levy the 2 cents for capital and the rest for operating, but it's all got to stay under that budget lid. The same budget lid that counties have, that cities have. It's that same land. What LB27 is asking very simply is to take away that 2 cent designation and let the boards decide underneath the lid, underneath the budget lid and the 11.25. How to use that money. There may be a year where a penny will work for capital, which allows them more operating. There may be years when they, something's come up that they need to spend a little bit more on capital. And that would mean, if this were to pass, that would mean they would have to cut into operating a little bit. It all stays under the budget lid and the 11.25. I would conclude with this. In 2012 we were in the midst of a war between our six community colleges. There were lawsuits filed and we were fighting over the distribution of aid. The presidents and I, we all came together in December of 2012 and we hammered out resolution. I.E. the distribution formula that we

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

currently have. Within that there was also agreement on the 11.25, keeping everything under the 11.25 and the 2 cent levy. What we have discovered is that when you're trying to extend campuses and fix up 1970s versions buildings that we inherited it, it sometimes takes a little bit more. I'll end my testimony there and take questions.

**GROENE:** Any questions? So you're saying the 2 cents along with the general fund is under the--

**GREG ADAMS:** Under the budget lid and the levy lid.

**GROENE:** The budget lid, is the 2.5 percent plus 1 percent.

**GREG ADAMS:** Yes, that's right.

**GROENE:** Presently.

**GREG ADAMS:** Yes.

**GROENE:** So when I look at Central-- 2017, but most recent I have, they've got 0.0275 as their other, right? Not 2 cents. Where did they get the other 0.75?

**GREG ADAMS:** I can't explain that, Senator. I don't have the answer to that.

**GROENE:** The law says you can, either you can assume somebody else's bond indebtedness or something prior to 1997.

**GREG ADAMS:** Yeah, I don't have an answer for that.

**GROENE:** So those two are combining their-- combined rate with 0.0943 cents. That's under the 2.5 percent plus 1?

**GREG ADAMS:** That would be my understanding not knowing what Central has going.

**GROENE:** And you can't use any of the general fund to remodel a building?

**GREG ADAMS:** It gets a little dicey. Yes, you can. But what happens is, and I think even-- I don't mean to speak for the State Auditor, but when they do audits there gets to be a little bit of a gray area between what is a capital expenditure and what is maintenance and repair. And typically we can, we work through all of that. But if you put new windows in a building, is that capital or is that maintenance

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

and repair? It once in a while it gets a little gray. This, this would eliminate that gray area.

**GROENE:** I've never seen so much construction in my 63 years on community colleges on off-site campuses. They've been doing pretty well with 2 cents with the value, farm valuations on ag land. They've capitalized more on ag land valuations than any other taxing entity because--

**GREG ADAMS:** That's their base. That's their primary base. Nonexclusive, obviously, but it's their base. And I would tell you, Senator, and you and I have talked about this a little bit, but a lot of that we can't do that construction in most cases without private philanthropy. And when you have somebody that steps up, and usually it's the businesses that we're supplying labor to, step up and say, hey, if we provide you X number of dollars can you help participate? And that's when we go looking.

**GROENE:** Wouldn't it just be easy to tell them now you go to 4 cents that we'll build the building, you give us some donations to manpower and to buy the equipment instead of saying you give us the money to help build the building like O'Neill did and Valentine?

**GREG ADAMS:** You know, I would expect all the different arrangements that are around. There's probably some of those at work just the way you've described, where the equipment gets purchased, the building gets purchased or part of a building gets purchased.

**GROENE:** Thank you. Any other questions?

**GREG ADAMS:** Thank you.

**RYAN PURDY:** Good afternoon, Chairman Groene and members of the Education Committee. My name is Ryan Purdy, R-y-a-n P-u-r-d-y, I'm the president of Mid-Plains Community College serving the 18-county service area of west central Nebraska. I've been at Mid-Plains Community College for 17 years this coming Monday, and for the last seven as president. The previous 10 I had served as the chief financial officer at Mid-Plains, and I'm here in support of LB27. I don't know if I should blame Senator Adams or Tyler for stealing half of my testimony or thank them, but I will continue on. I want to thank you for your consideration of LB27 to provide levy flexibility for community colleges while maintaining the checks and balances already in place. Community colleges aren't allowed by state statute to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

request capital appropriations as the other public sectors of higher education in Nebraska can access. Funds raised from private entities and the Capital Improvement Property Tax Levy are the only funds available for facility renovation, ADA-required improvements, abatement of environmental hazards, and capital construction. Revised Statute 85-1517 states: The board may certify to the county board of equalization of each county within the 18 county area tax levied not to exceed the difference between 11.25 cents and the rate levied for the Capital Improvement Fund not to exceed 2 cents. The current lowest levy is Mid-Plains Community College at 7.5403 cents to a high at Western Nebraska Community College at 9.8904. The range of the other four community colleges is between 9.07 and 9.5956. The two exceptions that are provided for exceeding the 11.25 cent levy maximum is for Western at the amount required annually to retire general obligation bonds issued prior to January 1 of 1997; and capital-- and Central Community College's levy authority of up to 0.75 cents for the funding of ADA abatement and other environmental hazards. Besides the cleanup of the outdated language, the significant change in LB27 provides the removal of the 2 cent limitation for capital improvement funds within the 11.25 cent levy authority. The following built-in checks and balances remain. The levy limit of 11.25 cents remains unchanged. This bill gives the full authority of the locally elected board of governors to adjust their general fund and capital improvement levies from year to year based on the local needs of respective community college area within the 11.25 cent levy maximum. Major project renov-- recommendations must be submitted to the board for approval in accordance with Nebraska Open Meetings Act. Many projects are presented before the board on multiple occasions during that applying process to get public input. Revised Statute 85-1402 states that: Any single project that is anticipated to exceed \$2 million in tax funds requires a program statement being submitted to the Coordinating Commission for Postsecondary Education for approval to avoid unnecessary duplication and expenditure of tax funds. Statute 13-504 remains unchanged in that cash reserves shall not exceed 50 percent of the total budget adopted and exclusive to capital outlay items. However, capital improvement outlay items can be only excluded from restricted funds once, and any unused portion of these exclusions would increase the restricted funds for lid computation and ultimately reduced the unused restricted funds and could require a reduction in future property tax requests accordingly. The legislative districts were created more than 45 years ago. Based on what I could find in statute identifying the community colleges' area, I couldn't find an explanation as to why the boundaries were set as they are. One obvious

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

flaw to determining, or to continuing to limit access to capital improvement funds and a defined levy is the difference in valuations between the institutions. Mid-Plains Community College's valuation is 60 percent larger than that of Western Nebraska Community College, but we're only, we are 6.76 percent smaller in enrollment. Northeast Community College's valuation is 65 percent smaller than Central Community College but only enrollment is only 21 percent smaller. Central Community College's valuation is only 7.4 percent smaller than Southeast Community College but enrollment is 93 percent smaller. Southeast Community College's valuation is 12.7 percent smaller than that of Metro Community College but enrollment is 41 percent smaller. Because there is no consistency or correlation between community college areas in terms of valuation, size, population, or enrollment. Removing the Capital Improvement Fund restriction of 2 cents in levy and allowing the local board to make decisions that best meets the needs of the communities they serve makes logical sense. Statewide community colleges are responsible for about 5.5 percent of all property tax requests and about 2.2 percent of the state's fiscal year '19-'20 preliminary appropriation recommendation. This bill gives the locally elected board of governors the full authority to use their levies as needed for their respective needs. I think we are a good investment. I appreciate your consideration of LB27 and I'd entertain any questions that you might have of me.

**GROENE:** Senator Linehan.

**LINEHAN:** Thank you, Chairman Groene. Why did we ever pay for community colleges with property taxes?

**RYAN PURDY:** Why do we do that?

**LINEHAN:** Well, what was the original thought process that it should be property taxes?

**RYAN PURDY:** From my knowledge and my history is, that when it was setup the intent was that 40 percent of the funding for community colleges was to be paid by state aid, 40 percent would be paid by property taxes, and the other 20 percent would be paid by the students in tuition and fees.

**LINEHAN:** And when, when was that, can you help me?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**RYAN PURDY:** I'm going to say it was 45 years ago when they put that in. I don't have that exact answer, but that's my, that's my understanding. Before my time.

**LINEHAN:** Thank you.

**GROENE:** Ryan-- Senator Brewer, go ahead.

**BREWER:** Real quick, the testimony you just read, is there any way we can get a copy that, because that's just kind of revealing.

**RYAN PURDY:** I can get you a copy of it.

**GROENE:** That was my question.

**RYAN PURDY:** OK.

**GROENE:** If you give it to the page.

**RYAN PURDY:** Sure. Let me grab one that I don't have my little markups on, if you would. Is that OK?

**GROENE:** Well, you can do it later.

**RYAN PURDY:** OK. To answer those questions.

**GROENE:** Senator Brewer, any other questions?

**BREWER:** No, I'm good.

**GROENE:** The question was you mentioned population, but when you look at these revenues they're pretty close to population centers aren't they? I mean, Metro versus Northeast has a lot more population than you do in yours.

**RYAN PURDY:** You're right. The valuation that was, where I see a big different flaw, in my opinion, is probably between Western and Mid-Plains and maybe Central and Southeast. Where Mid-Plains is 6 percent smaller than Western but--

**GROENE:** Population-wise?

**RYAN PURDY:** Population is pretty close, student population is pretty close, but their tax valuation is about 60 percent smaller than ours. Similar facilities, similar enrollment, similar population, but a 2 cent capital levy for us would bring about \$4 million in. For them, I



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

think, they get about \$2.2 million. And so I look at it as Mid-Plains, last I saw, the insurance replacement value of all of our properties about \$200 million. And with a four-- 2 cent levy for \$4 million in revenue, that's like a \$200,000 house and you have \$4,000 a year to use for operating and maintenance of your house. And so that's kind of how I equate a 2 cent levy. Let the board decide what they need based on the individual needs.

**GROENE:** But as I said earlier, when you go 2 cents for a community college with 4,000 students versus 2 cents for a high school with 4,000 students you got a lot larger property tax base. So 2 cents goes a lot further with a community college's tax base than 2 cents does with a public school's tax base.

**RYAN PURDY:** Possibly. Yeah, I'm not sure exactly how their funding works but, yeah.

**GROENE:** Same way.

**RYAN PURDY:** We don't get capital appropriation, we have to do it bonds, private philanthropy, or within that 2 cents.

**GROENE:** But what I'm saying it's 2 cents is a lot, is a pretty good tax levy for the tax base to have.

**RYAN PURDY:** Yeah, depending on the, depending on the community college.

**GROENE:** And \$4 million is quite a bond payment. It's a pretty good size--

**RYAN PURDY:** It is a bond payment but, but you also have to have the authority or the approval of the Coordinating Commission before you can move forward on that. Any project that is anticipated to cost more than \$2 million in tax funds, which is property taxes only for us, we have to do a program statement to document the need, send it to the Coordinating Commission. That's after our board has approved it, and then we have to get their approval before we can move forward whether it be to bond it or to--

**GROENE:** What approval?

**RYAN PURDY:** The Coordinating Commission. Yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**GROENE:** But the university has that same requirement.

**RYAN PURDY:** Correct. Yeah, but they can come to you and say, give us money for innovation campus or whatever.

**GROENE:** But you can also bank yours and it's--

**RYAN PURDY:** To a point. Yes.

**GROENE:** --billing for cash.

**RYAN PURDY:** Yes.

**GROENE:** You can levy the 2 cents if you need it or not and bank it.

**RYAN PURDY:** We can if we need to, yes.

**GROENE:** Yes.

**RYAN PURDY:** Yeah.

**GROENE:** No, I appreciate that you're number one, the lowest levy.

**RYAN PURDY:** Yep.

**GROENE:** Always pays to put the business manager as the president. Ryan is from my hometown and he used to be the business manager at the community college. And he always shared information when I wanted it, so thank you.

**RYAN PURDY:** You're welcome.

**GROENE:** Any other questions?

**MURMAN:** Yeah, thanks a lot for testifying. If I understand correctly, when, when the community colleges were first set up 40 percent of the funding came from the state, or was supposed to come from the state and 40 percent from property taxes. And now it's almost all property taxes, isn't it?

**RYAN PURDY:** No, I would say it varies. If you look at Western Nebraska, again, you have to look at their tax base and where they're at with their levy. And I'm not going to have exact numbers but they're going to be more reliant on state aid than property taxes. So their, their amount of state aid will be in excess of \$40,000, their property taxes will be below. You have Central whose, whose property

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

taxes are probably 60, 65 percent, and their, their state aid is probably more like 15. We're about 45 percent property taxes, 35 percent state aid. And if you look at Southeast and Metro, I think they're going to be more reliant on property taxes. So you do have one at least that's going to be skewed the other way and some that are going to be skewed much more heavily to property taxes than others.

**MURMAN:** OK, I'm most familiar with Central, so I guess that's why I was a little different there.

**RYAN PURDY:** And their valuation, if you look at their valuation it is approximately almost the same as Southeast. Again, they have lots of counties but the population more in Southeast than Central.

**MURMAN:** I do agree that this flexibility would be beneficial. I guess my biggest fear because of, you know, our excess property tax situation in the state is that-- and I do realize there is a restriction on how quickly the budget could grow. But I'm fearful that, you know, just more with this bill, if this would become law that more, more funding would be shifted toward property taxes because it would be used for capital construction probably as much as the restrictions would allow.

**RYAN PURDY:** And I think it depends on the community college you look at. I do know as ag value, values go backwards, you know, you're going to encroach on that 11.25 cents. So when, if that happens, which we're, we've seen in our area last year, our valuations were down. That will put the pressure back on the 11.25. So if that's still in place and there's no capital restriction on the 2 cents, you're going to have to pull back somewhere because you'll run out of restricted funds authority.

**MURMAN:** OK, thanks.

**GROENE:** But why wouldn't anybody, if you did this, go right up against the 2.5 and 1 percent every single year because you could shift it over to this building fund and then bank it?

**RYAN PURDY:** It depends on future needs. If you're using all of your money, all of your restricted funds, the 2.5 and the 1 percent every year and you get an influx in enrollment or you have some type of, who knows what it could be, you're stuck. State aid--

**GROENE:** They are now. They are now.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**RYAN PURDY:** If you've used it all, correct. Yeah. Mid-Plains, I think we've got \$3.6 million in unused restricted funds authority, which is about 1.3 cents. So I think I could get to about 8.9 and that's the max I could go. I could never approach 11, 11.25 based on where we're at.

**GROENE:** Does this go in reverse too, that if you want more for operating you could take some of the 2 cents?

**RYAN PURDY:** Yeah. You can go either way. You could use all the whole whatever your authority is for all operating in zero capital or you can do what you need to.

**GROENE:** So the 2 cents would become part of the operating too and they, if somebody wanted to.

**RYAN PURDY:** Correct. The board is, they'll have to, in my interpretation of the bill is, but the board will still have to when they approve that budget say X, X is for operating and X is for capital. But there wouldn't be that 2 cent limit.

**GROENE:** So you said, I think when I talked earlier you said, again, Western is the one that would help the most. Are they going to go the opposite direction?

**RYAN PURDY:** As far as taking the levy up?

**GROENE:** Do they need more operating and less capital?

**RYAN PURDY:** You know, I know that most all of us have relied heavily on the private dollars. When you look at our, our last 10 years we've raised almost \$12 million of private funds. We've also had about \$8 million of our student fees used to build some of the facilities we have. I know Western has, with their main building I know they did about a \$20 million remodel. About half of that was raised because they couldn't access it with their, their current 2 cents. So I can't speak for all of them but I think it's usually based on their individual need, what their board needs. And again, you have the Coordinating Commission that is another check and balance to say you can't do that.

**GROENE:** So you, unlike-- your state aid is based on enrollment?

**RYAN PURDY:** A very small portion. And I will correct Greg's date, I started in January of 12 and that meeting happened before I was here.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

But that meeting they said-- they approximated, looked at the current state aid and said here's how much each school has agreed to, to use to operate. Anything over \$87.9 million I think is then distributed based on enrollment. The first \$87.9 million is fixed, at a fixed percentage.

**GROENE:** From state aid.

**RYAN PURDY:** Correct.

**GROENE:** Then if we add to it it's--

**RYAN PURDY:** Then it's all based on enrollment.

**GROENE:** So unlike public schools you're guaranteed your state aid?

**RYAN PURDY:** Yep, at the, at the \$87.9 million amount we're guaranteed a certain number. Anything above that is, is prorated based on [INAUDIBLE].

**GROENE:** So when you said earlier you have a high percentage of state aid versus property taxes, because could I compliment you and you say you're a good business manager. You're not--

**RYAN PURDY:** We're, we're 45 percent property taxes, 35 percent state aid. I would say of all the colleges we're probably the closest to 40-40.

**GROENE:** But it's not because you're getting more state aid, it's because you lowered your property tax, the proportional amount.

**RYAN PURDY:** Correct. Our state aid over the last 10 years has averaged 0.64 percent increase at Mid-Plains Community College.

**GROENE:** It's been what?

**RYAN PURDY:** 0.64 percent in last 10 years.

**GROENE:** What do you mean by increased?

**RYAN PURDY:** The average increase each year has been 0.64 percent over the last 10 years.

**GROENE:** And the eleventh year?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

**RYAN PURDY:** Well, we had two years we went backwards a little bit. And next year, I think, we're hoping for a 2 percent increase, but I don't know what that final number will be.

**GROENE:** Thank you.

**RYAN PURDY:** Yep. I'll get you a copy of the testimony.

**GROENE:** I appreciate that. There's some good information in there.

**NANCY SEIM:** Greetings. My name is Nancy Seim, N-a-n-c-y S-e-i-m. I'm the current chair of Southeast Community College Board of Governors and I'm a retired educator. And I know as an educator I'm batting last here. So I'll try to speed it up and do as best I can. I am not a numbers person, I am on the board. Just so you know that. I want to address a little bit, again, SCC has an 11-member board like most of our boards do. I would like to address three points today about this bill. First is commitment, need, and practicality. I think Nebraska community college plays a critical role in our state's economy by producing skilled workers and affordable access to higher education. And you all know that already. But nearly 90 percent of our graduates stay in Nebraska. I'd like to think that we're growing taxpayers and responsible citizens, and we need to keep doing that. And although nearly 90 percent of these graduates stay in Nebraska our state is still in trouble. We're still, we still-- our, our gap for skilled workers is still wide. And Nebraska community colleges have the opportunity to address this skilled worker by increasing our capacities to produce graduates. That's our commitment. Our need is all of us benefit from a skilled work force. Just look around a dentist's office. I'm sure many of you have been to the dentist, hopefully, in the last panel last year. Look at the different equipment, the instruments, the technology that have just changed perhaps in the last five years. Probably the only thing that hasn't changed is the chair. I do want, and I'm sure no one would want our Nebraska graduates to not be able to be trained in those dental offices with the new technology. Or worse yet, to be ready for surgery and have the surgical techs say, oh, I'm not, I'm not trained in that. I didn't use that instrument, I didn't learn that instrument. The bottom line is we need modern facilities to increase our capacity to produce our graduates. This allows us all to have a better quality of life. We all need community college graduates. It's a need. Southeast Community College is now constructing new facilities to expand our capacities in health, science, transportation, welding, manufacturing, and other high-demand areas. Our college is in the process of building

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 12, 2019

a new health science facility in Lincoln, a diesel technology in Milford, and a learning center in Falls City. In addition to the construction of the new facilities, community colleges must modernize their aging facilities so that we have the new technology, the new things that we, our students need to maximize learning. And that's different than a classroom for reading or a classroom for writing. These are technology things, we need to have that equipment. We have some buildings at Southeast that are built in the 20-- excuse me, built in the '50s or the '60s. But the probably the most important or the concern that I have most, I guess, is our main campus in Lincoln has over 370,000 square feet. It serves more than 10,000 students and 300 faculty in that building, and most of this facility lacks fire suppression and other modern building codes. This is a case in our campuses in Beatrice and Milford. This is critical and very serious and we need, we need this. I could talk for a whole hour on that, but I won't. Nebraska community colleges are required by their accrediting body, the Higher Learning Commission, commission to have adequate facilities to meet our programming needs. Based on findings from a credit, accreditation review from last year SCC has entered into a formal agreement to ensure that it makes progress in our aging facilities. Nebraska community colleges have awarded over 73,000 certificates. These graduates earn credits and credentials in manufacturing and health science, business, information technology. Nebraska Community colleges have an opportunity to address the skilled workers shortages by increasing our capacities to produce graduates. This requires community colleges to expand and modernize their programs and facilities. You may be wondering how this all fits in with the need for skilled workers. It is a case of build it and they will come. We just built a new culinary building for our students, opened last spring. And since that time, just last year, we have tripled our enrollment. So that's our need. Practicality. At this time we have a property tax levy, which you've heard all the numbers, of 11.25 cents with the general fund and a capital levy. A capital levy of 2 cents for capital building for building. Currently the community college can use up to 2 cents. In other words, if we could increase it, it would give our local elected governing board local control over the money that you've allotted to us. This bill has no, no fiscal impact. It will not cost the taxpayers any extra money. As a further note, just in case you were wondering, our buildings, programs, and improvements are all reviewed and governed by the Coordinating Commission. As a long-standing board member I take my responsibilities very seriously and I believe that local control of this authority is vital to make-- to meet the unique and diverse needs of our community

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Education Committee March 12, 2019

college. LB27 will ensure that boards have the flexibility to proactively address this growing skill need. Any questions? I tried to be fast.

**GROENE:** Any questions. So you didn't like members, but I'm going to ask you anyway.

**NANCY SEIM:** Go for it. I have some help here.

**GROENE:** So you're 9, a little over 9 cents; and you're at your 2 cents on your other, on your building.

**NANCY SEIM:** Correct.

**GROENE:** So you say it wouldn't cost the taxpayers any more, so I'm assuming every year you're going up your 3.5 percent that you're allowable?

**NANCY SEIM:** Yes.

**GROENE:** So that means you're going to shift. To get more money you're going to take money out your, out of your general fund levy and move it over to your building fund.

**NANCY SEIM:** If we need it, and right now we need it.

**GROENE:** But you can do that. You can operate your, your payroll and everything by taking money out of your general fund and shift it to the building fund. Because you said you're not going to bring any more money in, you're just going to be able to shift between the two.

**NANCY SEIM:** Correct.

**GROENE:** And you can do that?

**NANCY SEIM:** We should be to.

**GROENE:** As is?

**NANCY SEIM:** We should be able to budget that, yes.

**GROENE:** Thank you.

**NANCY SEIM:** But if you have any more questions on that I can ask the financial person to come up.



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**GROENE:** On your enrollment, are you turning children, kids away?

**NANCY SEIM:** At this time we have a waiting list, yes.

**GROENE:** And what, I know you always had a good diesel program for years.

**NANCY SEIM:** It's the best, and it's going to Milford.

**GROENE:** Yes, at Milford. I understand you always have a waiting list there, but what other programs do you have a waiting list?

**NANCY SEIM:** Health and science. Huge in health and science.

**GROENE:** And you're talking nursing?

**NANCY SEIM:** Nursing, dental, I have a whole list here. Surgical tech, respiratory care. We have waiting lists for a lot of those.

**GROENE:** But a lot of those you're up against the, I can't think of the term, but your ability to have some place for them to intern, right?

**NANCY SEIM:** That isn't, that isn't as much of a problem as it is having the facilities for them to be there. We just don't have enough room for the students.

**GROENE:** In North Platte we have a waiting list in nursing but it's because they have nowhere to place them. I can't think of the term but doing their--

**NANCY SEIM:** Internship.

**GROENE:** Well, there's another term but, oh, internship. What's that? Clinicals. But I'm assuming you don't have that problem because you're surrounded by hospitals in Lincoln.

**NANCY SEIM:** In theory. I'm not going to comment.

**GROENE:** All right, thank you.

**NANCY SEIM:** Any other questions?

**GROENE:** That's my questions. Nope, that's fine.

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**NANCY SEIM:** Thanks for listening to me at the end of the day.  
Appreciate it.

**MATT GOTSCHALL:** Good afternoon. I'll be very brief. Actually I wasn't planning to testify today, but I'm Matt Gotschall, the president of Central Community College. M-a-t-t G-o-t-s-c-h-a-l-l. But I just wanted to come up to just clarify a couple of the questions that you had specifically asked or if any of the rest of you had. You mentioned about the 2.75 that we have. That is, the 0.75 is the additional amount that we are allowed to, to assess due to hazardous materials and because of our old, because of the Navy ammu-- ammunition facilities that we that we inherited. Omaha actually also could, could levy that if they wanted to, Metro could, because they have military bases that they inherited. It seems like every time we dig a hole or tear out a ceiling we find something else that needs to be taken care of because of Howard construction was done or where things were buried in the 1940s. So anyway, so I did want to make sure and clarify though that that 2.75 is still well within that 9.05 total that we assess and well under that 11.25. I also wanted to answer one of your questions about what prevents us from going up to the 11.25 if we have this authority. Well, it's our 11-member elected board of governors. And so, so in the Hastings area we have Paul Krieger and Dianne Keller who are both very conservative and, and aren't going to want to pay any more of their farm taxes and small business taxes towards us than what they need to either. So that's where, again, that elected board of governors in all of our cases. Again, they're, they are the taxpayers in that area, specifically elected to represent their constituents. And so they would, they would be policing this very heavily to know where those dollars are going to. But anyway, like I said, I didn't have any other testimony to present. But if you have any questions, I'd be glad to try to answer them.

**GROENE:** Any questions? Is that special levy only for asbestos and that stuff?

**MATT GOTSCHALL:** Hazardous material and asbestos.

**GROENE:** Fire and safety too?

**MATT GOTSCHALL:** Correct.

**GROENE:** Can you do fire and safety too?

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Education Committee March 12, 2019

**MATT GOTSCHALL:** We have used that for that too. It's more disabilities. So if we have to change restrooms, make, make sure restrooms are ADA capacity-- capable, entrances.

**GROENE:** I'm just wondering if it's similar to QCPUF in public education which also includes fire and safety too. I'm thinking about what Southeast said about fire depression.

**MATT GOTSCHALL:** I'm not sure on that.

**GROENE:** So you're saying you didn't, the last few years because of your conservative board you didn't go up to 2.5 percent and 1?

**MATT GOTSCHALL:** Our levy actually, we actually dropped our levy for several years in a row until just this is last year. Our valuation in our 25 counties went down. I don't, I don't have it with me today and what our spending went. But, again, our levy did go down.

**GROENE:** We don't pay our taxes in levies, we--

**MATT GOTSCHALL:** Right.

**GROENE:** So but your budget didn't go up to 2.5 percent plus 1?

**MATT GOTSCHALL:** It-- yes, it did.

**GROENE:** So your conservative board really didn't slow you down?

**MATT GOTSCHALL:** Well, they did in terms of they're still trying to meet the needs of the constituents, yeah.

**GROENE:** But they spent to the max.

**MATT GOTSCHALL:** Or the levy authority to.

**GROENE:** Yes, thank you. Senator Murman.

**MURMAN:** I'd just, like, make one comment. I just live like three miles from the original campus, or the main campus, I guess, is Central Nebraska-- Central Technical Community College. Those buildings were built, I think, in the '40s so they definitely do need work all the time to be compliant, like you said. Just wanted to reemphasize that. So thanks a lot for coming in.

**MATT GOTSCHALL:** Thank you.

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Education Committee March 12, 2019

**GROENE:** Thank you.

**MATT GOTSCHALL:** Thank you.

**GROENE:** Any other proponents? Opponents? Neutral? Letters. Proponents, President of Southeast Community College. Opponents, none. Neutral, none. Senator Kolterman, your staff did a wonderful job opening. He was very short.

**KOLTERMAN:** Thank you. For a minute I thought I might be in Revenue. You ask these same kind of questions in Revenue. It's a pleasure to be here to close. I'm sorry I couldn't be here to open. A couple of thoughts. I apologize, I didn't get to hear the whole testimony but I'm sure it was good. Senator Adams asked me to bring this bill and before the session started, it wasn't a last minute deal or anything like that. And I took one look at it and said, absolutely. One of the reasons is I'm a graduate of Southeast Community College. At the time it was called Milford Trade School. I'm old. The best degree I ever received, most useful degree I ever received. And if, Senator Groene, if you ever need any help rebuilding your deck, I could probably help you with that.

**GROENE:** I don't get to sit there.

**KOLTERMAN:** Yeah. This bill really is about flexibility for the Southeast Community College, the rest of the other schools, community colleges. And it's about local control. We elect people to boards to do their job, to control the money. If they operate within their, their limits I don't know why we wouldn't allow them to make the decisions, whether it's capital improvements or whether it's budgetary improvements. So with that, I would hope that you would advance this bill. I looked at the fiscal note. Doesn't appear to have one. That's unusual. So I think if you kicked this out unanimously you can still get consent. With that, I'd appreciate your vote and would try to answer any questions you might have.

**GROENE:** Any questions? To clarify, the individual from Central was right. You can only use it if you have an ammunition dump for the three-quarters cents. So I don't think we have one in North Platte. Thank you, Senator Kolterman. Any other questions? That closes the hearing on LB27.