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February 14, 2022

Senator Lynne Walz
and Members of the Education Committee
State Capitol, Lincoln, NE

RE: LB1050 (Flood) Prohibit public postsecondary institutions from discriminating against student organizations based on viewpoints, beliefs, and missions.

NEUTRAL

Dear Chair Walz and Members of the Education Committee:

The League of Women Voters of Nebraska supports the implementation of anti-discriminatory policy within Nebraska public postsecondary institutions. Since its inception, the League has defended a “representative government and the individual liberties established in the Constitution.” Building on this foundation, the League has been committed to advocating for equitable, quality public education since 1966 and adopted its Equality of Opportunity position in 1989, stating that it referred to “all persons, regardless of their race, color, gender, religion, national origin, age, sexual orientation, or disability.” The culmination of these positions supports the underlying content of LB1050.

LB1050 states that it prohibits “public postsecondary institutions from discriminating against student organizations based on viewpoints, beliefs, and missions.” While the LWWNE supports this position, the bill lacks certain protections and clarifications with regard to expressive activities and against violent or active hate groups. In Montana, HB0349 was passed in the 2021 regular session. This bill not only prohibits discrimination against student organizations, but also requires public postsecondary institutions to adopt anti-harassment policies and provides protection for free association on public postsecondary campuses.

According to the National Education Association’s Legal Guidance on Students’ Rights, students are protected under federal law to be free from racial, religious and national origin discrimination at school, but do not have the right to engage in harassing, threatening or intimidating speech toward other students in Title IV and VI of the Civil Rights Act of 1964. Title VI would also be violated if the school failed to take prompt and effective steps to end the harassment from recurring and remedy its effects. Including clarifications regarding anti-harassment and protections against violent groups will provide needed clarification and mitigate these risks.

For these reasons, we hope this bill will be amended to include institutional protection against harassment not only from the institution itself, but also from students. We encourage the Education Committee to revise the bill with these protections in mind before moving it to the floor for full debate. Thank you for your consideration.

Sincerely,

Taylor Sterba, Educational Policy Action Team, LWWNE
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