

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1050**

Introduced by Flood, 19.

Read first time January 18, 2022

Committee:

1 A BILL FOR AN ACT relating to education; to prohibit postsecondary  
2 education institutions from discriminating against student  
3 organizations based on their viewpoints, beliefs, and missions; to  
4 provide for a civil action and a defense or counterclaim; and to  
5 define terms.

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

1           Section 1. (1) For purposes of this section:

2           (a) Benefit means:

3           (i) Recognition;

4           (ii) Registration;

5           (iii) The use of facilities of the public postsecondary institution  
6 for meetings or speaking purposes;

7           (iv) The use of channels of communication of the public  
8 postsecondary institution; and

9           (v) Funding sources that may be available to student organizations.

10          (b) Public postsecondary institution or institution means any public  
11 postsecondary institution as defined in section 85-2403;

12          (c) Student means any person who is enrolled on a full-time or part-  
13 time basis in a public postsecondary institution; and

14          (d) Student organization means:

15          (i) An officially recognized student organization at a public  
16 postsecondary institution; or

17          (ii) A group or organization seeking official recognition comprised  
18 of students that receive, or are seeking to receive, benefits through the  
19 public postsecondary institution.

20          (2) A public postsecondary institution shall not take any action or  
21 enforce any policy that would deny a political, religious, or ideological  
22 student organization any benefit available to any other student  
23 organization, or discriminate against such a student organization with  
24 respect to such benefit because:

25          (a) Of the viewpoint of a student organization or the expression of  
26 the viewpoint of a student organization by the student organization or  
27 its members; or

28          (b) The student organization has a requirement that the leaders or  
29 members of such organization:

30          (i) Adhere to the organization's sincerely held beliefs as defined  
31 by such organization;

1        (ii) Comply with the organization's sincerely held beliefs as  
2 defined by such organization;

3        (iii) Comply with the organization's standards of conduct; or

4        (iv) Be committed to furthering the organization's mission as  
5 defined by such organization.

6        (3) Any student or student organization aggrieved by a violation of  
7 this section may bring a civil action against the public postsecondary  
8 institution which violated the section and may obtain appropriate relief,  
9 including:

10        (a) Actual damages;

11        (b) Such preliminary and other equitable or declaratory relief as  
12 may be appropriate; and

13        (c) Reasonable attorney's fees and other litigation costs reasonably  
14 incurred.

15        (4) Any student or student organization aggrieved by a violation of  
16 this section may assert such violation as a defense or counterclaim in  
17 any civil or administrative proceedings brought against such student or  
18 student organization.