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2025

LEGISLATURE OF NEBRASKA

ONE HUNDRED NINTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 552

Introduced by Lippincott, 34.

Read first time January 22, 2025

Committee:

A BILL FOR AN ACT relating to postsecondary education; to define terms; and to prohibit public postsecondary educational institutions from having a diversity, equity, and inclusion office and taking certain actions related to diversity, equity, and inclusion.

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

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

(a) Appropriate governing board means the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, or the governing board of any community college in relation to such board's respective public postsecondary educational institution;

(b) Diversity, equity, and inclusion office means an office, division, or other unit of a public postsecondary educational institution established for the purpose of:

(i) Influencing hiring or employment practices of the public postsecondary educational institution with respect to race, sex, color, ethnicity, gender identity, or sexual orientation other than through the use of color-blind and sex-neutral hiring processes in accordance with state and federal antidiscrimination laws;

(ii) Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, ethnicity, gender identity, or sexual orientation;

(iii) Promoting policies or procedures designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than policies or procedures developed by an attorney and approved in writing by the appropriate governing board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or

(iv) Conducting diversity, equity, and inclusion programs designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than programs developed by an attorney and approved in writing by the appropriate governing board for the sole purpose of ensuring compliance with any applicable court order or state or federal law;

(c) Diversity, equity, and inclusion program means a program that requires an employee of a public postsecondary educational institution to participate in or attend a training, orientation, workshop, therapy

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session, or similar activity that focuses on any of the following:

(i) Describing structures, systems, relations of power, privilege, or subordination on the basis of race, sex, color, gender, ethnicity, gender identity, or sexual orientation;

(ii) Describing methods to identify, dismantle, or oppose any such structure, system, relation of power, privilege, or subordination;

(iii) Justifying differential treatment or benefit on the basis of race, sex, color, gender, ethnicity, gender identity, or sexual orientation; or

(iv) Advancing theories of unconscious or implicit bias, cultural appropriation, allyship, transgenderism, microaggressions, microinvalidation, group marginalization, anti-racism, systemic oppression, ethnocentrism, structural racism or inequity, social justice, intersectionality, neopronouns, inclusive language, heteronormativity, disparate impact, gender identity or theory, racial or sexual privilege, or any concept substantially related to any of these theories; and

(d) Public postsecondary educational institution means the University of Nebraska, the state colleges, and the community colleges.

(2) A public postsecondary educational institution shall not, except as required by federal law:

(a) Establish or maintain a diversity, equity, and inclusion office;

(b) Hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office;

(c) Compel, require, induce, or solicit any person to provide a statement related to diversity, equity, and inclusion or give preferential consideration to any person based on the provision of a statement related to diversity, equity, and inclusion;

(d) Give preference on the basis of race, sex, color, ethnicity, gender identity, or sexual orientation to an applicant for employment, an employee, or a participant in any function of the public postsecondary

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educational institution;

(e) Require as a condition of enrolling at the public postsecondary educational institution or performing any function of such institution, any person to participate in a diversity, equity, and inclusion program; or

(f) Spend public money on a diversity, equity, and inclusion program or office.

(3) Nothing in this section shall be construed to limit or prohibit a public postsecondary educational institution or an employee of such institution from:

(a) Offering training on sexual harassment;

(b) Operating an office staffed by, or employing, licensed attorneys and legal support staff whose sole purpose is ensuring compliance with state or federal law or an applicable court order;

(c) For the purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

(i) Highlights the public postsecondary educational institution's work in supporting:

(A) First-generation college students;

(B) Low-income students; or

(C) Underserved student populations; or

(ii) Certifies compliance with state and federal antidiscrimination laws;

(d) Collecting data on certain information related to student or employee demographics;

(e) Completing scholarly research or creating art work related to diversity, equity, and inclusion and the dissemination of that work;

(f) Allowing or approving an activity of a student organization registered with or recognized by the public postsecondary educational institution; or

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(g) Allowing or approving a guest speaker or performer on a short-term engagement at such public postsecondary educational institution.

(4) An employee of a public postsecondary educational institution who is required to participate in a diversity, equity, and inclusion program may bring an action against the public postsecondary educational institution. If the employee demonstrates that the public postsecondary educational institution violated this section, the employee is entitled to injunctive relief.