

# STUDENT AFFAIRS, NEBRASKA STATE COLLEGE SYSTEM

**POLICY: 3100**

**Conduct & Discipline; Students**

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## **BOARD POLICY**

The Board grants authority to the Presidents of the State Colleges to designate appropriate officers, establish representative college committees, render initial decisions and provide appeal procedures in regard to allegations of academic dishonesty; grade appeals; failure to pay a financial obligation; or academic performance achievement, probation and suspension. All disciplinary sanctions imposed for misconduct identified in this policy are to be governed by terms of this policy and the due process requirements set forth in Policy #3200. Acceptance of this policy by the student is implied as a condition of his or her enrollment.

## **PROCEDURE**

Students are responsible to obey the laws of the state and nation, the regulations and policies of the Board and of the Colleges; and to refrain from any conduct injurious to themselves, to others, or to the reputation or interests of the College.

A student shall not ignore a summons from the president or other officer of administration of the College, or from a member of the faculty.

Student misconduct as identified under this policy or a violation of college regulations or policy, whether occurring on or off the campus, may result in disciplinary action being taken against the student.

Students may be ordered to leave the College campus under a temporary suspension pending disciplinary action due process per Board Policy 3200 in the event the student's continued presence is believed to threaten the safety or health of another person or for other reasons at the discretion of the Vice-President responsible for Student Affairs. Such order shall be given in writing by the Vice-President responsible for Student Affairs.

Students suspended or expelled from one of the State Colleges may be admitted to another Nebraska State College only under the same conditions that they would be readmitted to the College from which they were suspended.

### Misconduct

The following acts shall be considered to constitute misconduct in the State College System for which an offending student or student organization may be subject to disciplinary sanctions.

1. Participation in a demonstration on the campus which materially and substantially disrupts or obstructs the normal operations, activities or functions of the College, including unauthorized occupation of College premises;
2. Failure to evacuate campus facilities or willfully ignoring any emergency or alarm signal or request to evacuate by appropriate emergency personnel;
3. Falsification or willful suppression of any information for or on an application for admission, or falsification or misuse of College identification and other documents;
4. Misuse of computers or computing resources;

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5. Unlawful or unauthorized possession, use, distribution, dispensing, delivery, sale or consumption, manufacture, or being in the presence of any alcoholic beverage, including empty bottles/cans or any alcohol container on any part of the College campus including outdoor areas and parking lots;
6. Alcohol consumption that endangers the health, safety, or property of oneself or another, or requires medical treatment or College staff intervention;
7. Unlawful or unauthorized possession, use, distribution, delivery, dispensing, manufacture or sale, or being in the presence of any drug; being in possession of paraphernalia for drug use, except as expressly permitted by law, or being unlawfully under the influence of any drug unless directed by a licensed physician;
8. Inflicting unwanted physical contact on another person; conduct that intimidates, harasses, or threatens the safety, health, property, or life of others or oneself; participating or contributing to an incident of abuse or assault; causing, provoking or engaging in any fight, brawl or riotous behavior;;
9. Any act occurring on the College campus or on the premises of a student housing unit which intentionally disturbs the peace and quiet of any person or group of persons;
10. Sexual harassment, assault or any other uninvited behavior of a sexually explicit nature;
11. Conduct which is unreasonably dangerous to the health or safety of other persons or oneself;
12. Theft or attempted theft of any property or receipt of stolen property;
13. Damaging or attempting to damage property of the College or of another individual;
14. Using or possessing bombs, explosives, incendiary devices, or fireworks;
15. Setting or attempting to set any fire on the campus or on the premises of any student housing unit, except in fireplaces or other facilities designated for fires;
16. Failing to report a fire or any other extremely dangerous condition when known or recognized on the campus or on the premises of any student housing unit;
17. Possessing or selling firearms, ammunition, weapons, explosives, or dangerous chemicals on the campus or on the premises of any student housing unit;  
  
Weapons used for hunting and other legitimate sport may be stored in an area designated by the College. The checking in and out of weapons from the designated storage area must be accomplished in accordance with procedures established by each College and published in their Student Handbook. Colleges are not required to provide weapon storage areas but may do so at their discretion.
18. Obstructing or failing to comply with the directions of a law enforcement officer, firefighter, or College official in the performance of his or her duty on the College campus, on the premises of any student housing unit or at any activity or event sponsored by the College or an organization;
19. Hazing any person; consent of the victim of the hazing will not constitute a defense to an allegation of misconduct for hazing;

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20. Committing any unlawful act of indecent exposure or public indecency;
21. Participating in any gambling activity in violation of the laws of the State of Nebraska or of the United States;
22. Unauthorized use of any College property, facilities, equipment or materials;
23. Possessing, producing, manufacturing, or having manufactured without proper authorization, any key or unlocking device for use on any College facility or lock;
24. Serious traffic violations on the campus, including operating any vehicle while intoxicated, speeding, reckless endangerment, or reckless driving;
25. Violation of any student housing unit policy, rule or regulation;
26. Failure to redeem or make arrangements to redeem, within one week after receipt of written notice, an insufficient funds or no account check submitted to the College for cash or for payment of College goods or services;
27. Abuse of College disciplinary proceedings which includes, but is not limited to, failure to obey a request to appear before a disciplinary officer or committee, falsification of testimony, disruption or interference with the orderly conduct of any hearing, attempting to discourage any person from using College disciplinary procedures or participating in such procedures, attempting to influence the impartiality of a member of a disciplinary committee prior to any proceeding, filing a malicious or frivolous complaint, verbal or physical harassment or intimidation of a member of a disciplinary committee prior to, during, or after a proceeding, failure to comply with any sanction imposed, influencing or attempting to influence another person to commit an abuse of disciplinary proceedings, and a violation of the privacy rights of any student or College employee in regard to a disciplinary proceeding; and
28. Any act by a student which occurs on the campus, on the premises of any student housing unit or at any activity or event sponsored by the College or an organization which is in violation of any ordinance of the municipality in which the College resides, shall constitute misconduct.
29. Falsely setting off or otherwise tampering with any emergency safety equipment, fire alarm, or other device established for the safety of individuals and/or college facilities.
30. Any other activity or conduct prohibited by the College in published policies.

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## Disciplinary Sanctions

Disciplinary sanctions may include warnings, demands for restitution or reimbursement, a period of probation, remedial behavioral requirements, remedial educational requirements, suspension, or expulsion.

In the event that a concurrent civil or criminal action for the same behavior which forms the basis of misconduct allegations under the provisions of this policy is in progress, the accused student may request in writing to the Vice President responsible for Student Affairs, or equivalent administrator, that the College delay the continuance of the due process procedures. By requesting to delay until the external civil or criminal proceeding has concluded, the student agrees that he or she shall not attend any College classes or College-sponsored events or activities or shall not enter or use College property without specific written authorization from the Vice President.

Legal Reference: RRS 85-301  
RRS 53-186

State college; official names; Board of Education; appointment; no compensation; travel expenses  
Consumption of liquor on public property, public roads, streets, alleys; prohibition; exceptions

Policy Adopted: 1/28/77  
Policy Revised: 4/3/81  
Policy Revised: 6/5/93  
Policy Revised: 3/11/94  
Policy Revised: 8/29/97  
Policy Revised: 3/28/08