

STUDENT AFFAIRS, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 3200

Due Process -- Students

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BOARD POLICY

It is the policy of the Board to grant procedural due process to students accused of misconduct under the terms of Board Policy 3100. Regarding allegations of academic dishonesty; grade appeals; failure to pay a financial obligation; or, academic performance, achievement, probation and suspension each college will devise its own adjudication procedures. However, for allegations of misconduct identified in Policy 3100 that may result in disciplinary sanctions, the due process procedures outlined below shall be followed.

PROCEDURE

1. The student shall be notified in writing by an appropriate college official that he/she is accused of misconduct. The student shall be made aware of grounds which would justify such action by way of the student handbook or other published College regulation.
2. The student shall be notified that he/she may elect one of three courses of action.
 - a. The student may admit the alleged violation and request, in writing, that the administrative officer take whatever action seems appropriate.
 - b. The student may admit the alleged violation in writing, and request a hearing before the appropriate hearing panel designated by the College.
 - c. The student may deny the alleged violation, in which case the administrative officer shall refer him/her to the appropriate hearing panel designated by the College.
3. Under option 2a noted above, the College may address the alleged misconduct without providing further due process. The student's decision can be binding, if freely and knowingly made, even though suspension, expulsion or the imposition of a stigmatizing sanction might result. Students should be advised in writing of all risks associated with any waiver of due process rights and provided a reasonable amount of time to consider their decision and to confer with a family member or advisor.
4. If the student selects either option 2b or 2c as noted above, a hearing shall be conducted in accordance with the following procedure within ten (10) working days, unless the student requests an extension in writing, which shall not be unreasonably denied.
 - a. Prior to the hearing, the student shall be entitled to the following:
 - Written notification of the time and place of the hearing with reasonable time allowed for grievant to prepare a presentation and defense.
 - A written statement of the allegations (incident or behavior) with sufficient particularity so that the student may prepare his/her defense.
 - The grounds which would justify disciplinary action cited in the student handbook or Board Policy and the possible sanctions that may be imposed.
 - Written notification of the names of the witnesses who are directly responsible for having reported the allegations, or, if there are no such witnesses, written notification of how the allegations came to the hearing panel's attention, and
 - A copy of all documentary evidence to go before the hearing panel.
 - b. The student shall be entitled to appear in person before the hearing panel, and may call witnesses in his/her behalf. If the student does not appear before the hearing panel, the hearing shall be held in his/her absence.

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- c. The student shall be entitled to be accompanied by a person of his or her own choosing from the college community to assist in the proceedings or by counsel at the student's expense. An attorney or advisor, if present at the request of the student, may be present to counsel the student, but may not directly participate in the hearing by making oral presentation or arguments, examine or cross-examine a witness, or object to testimony of a witness or to introduction of other evidence.
 - d. The student shall be entitled to ask questions of the hearing panel or any witnesses.
 - e. The student shall be entitled to an expeditious hearing of the case.
 - f. The student shall be able to request that the hearing be either open or closed to the public. This request shall be made to the chair of the hearing panel.
 - g. A record of the hearing will be kept by the hearing panel.
 - h. The student shall be entitled to an explanation in writing of the reasons for any decisions rendered against him/her and the discipline imposed, and shall be given access to the hearing panel's decision for his/her personal records.
5. The hearing panel designated by the College shall be composed of campus administrators, faculty, and students. Such selection shall be at the approval of the campus President or designated Vice President. Individuals serving on this panel need not be disqualified because they have superficial knowledge of the background of the case, or because they may know the participants. The basic test shall be whether or not the panelist can judge the case fairly and solely on the evidence presented.
 6. The hearing panel shall be the decision-making body acting independent of the campus administrator of last appeal.
 7. Technical rules of evidence or procedure need not be employed in hearing proceedings. A student's misconduct shall be determined by a preponderance of the evidence. Hearing decisions need not be unanimous. A simple majority vote shall be sufficient. Hearsay evidence is not required to be excluded, but a finding of misconduct on hearsay evidence alone is not appropriate in hearings, including a serious disciplinary case such as suspension or expulsion.
 8. Members of the hearing panel shall have the opportunity to examine the case file beforehand, and to question the accused and witnesses at the hearing.
 9. The student shall be notified of his/her right to appeal the decisions of the hearing panel to the College President, who has final authority. Should the student appeal, any action assessed by the hearing panel shall be suspended until acted upon by the College President. Appeals of the President's decision may be submitted to the Chancellor but shall be limited to allegations that fair procedural process has not been provided in accordance with Board Policy 3200.

Policy Adopted: 1/28/77

Policy Revised: 6/5/93

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