

**BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES**

**ITEMS FOR DISCUSSION AND ACTION STUDENT AFFAIRS, MARKETING, AND ENROLLMENT**

**ACTION:** First and Final Round Approval of Revisions to Board Policy 3100; Student Conduct and Board Policy 3200; Due Process

Proposed revisions to Policy 3100 define the scope of the policy's application with respect to student conduct; eliminate duplicative provisions; and explicitly direct issues related to academic integrity to the Vice President of Academic Affairs.

Policy 3200 is being revised to update to the new format and reorganize. No substantive changes have been made to this policy.

The System Office recommends approval of the Revisions to Board Policy 3100; Student Conduct & 3200; Due Process.

**ATTACHMENTS:**

- [Revisions to Board Policy 3100 \(PDF\)](#)
- [Revisions to Board Policy 3200 \(PDF\)](#)

## Board of Trustees of the Nebraska State Colleges

### Student Affairs

POLICY  
NAME: Student Conduct

POLICY  
NUMBER: 3100

---

#### A. PURPOSE

To establish standards of student conduct essential to creating and maintaining a productive and safe educational community that fosters the personal, ethical, and intellectual development of our students.

#### B. DEFINITIONS

~~B.1.~~ Student: All persons enrolled at the State Colleges.

#### C. POLICY

##### 1. General

1.1. As members of an academic community, students are expected to conduct themselves with integrity and in a responsible manner to support a safe and productive educational environment for themselves and others.

~~1.1.~~ 1.2. The Board grants authority to the Presidents 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.

~~1.2.~~

1.3. Acceptance of this policy by the student is implied as a condition of their enrollment.

##### 2. Scope

2.1. This policy applies to student conduct occurring on college property or property leased by the College, student government or an RSO;

2.2. This policy applies to student conduct occurring off college property under the following circumstances:

- The conduct occurs at or during events and/or travel authorized, funded, or sponsored by the Colleges, student government, or an RSO;
- The conduct poses a serious risk to the health or safety to students or employees on College property;
- The conduct caused or was intended to cause physical injury to another student or employee of the College; or
- The conduct could or was intended to cause harm on college property.

2.3. Issues related to academic integrity should be reported to the Vice President for Academic Affairs.

### **2.3. Student Responsibilities**

2.1.3.1. Acceptance of this policy by the student is implied as a condition of their enrollment.

2.2.3.2. Students are responsible for obeying state and federal laws; Board policies; College policies, rules and regulations; and to refrain from any misconduct set forth hereing or conduct injurious to themselves, to others, or to the reputation or interest of the College.

### **3.4. Potential Disciplinary Sanctions and Interim Measures**

3.1.4.1. Students engaging in misconduct as set forth herein or in violation of section 2.2, whether occurring on or off College property, may result in disciplinary action taken against the student pursuant to Policy 3200.

4.2. Students may be ordered to leave the College under a temporary suspension pending disciplinary action due process per Policy 3200 in the event the student's continued presence is believed to threatened the safety or health of another person or for other reasons at the discretion of the senior student affairs officer. Such order shall be given in writing by the the senior student affairs officer.

4.3. Pending disciplinary action under Board Policy 3200, students may be subject to interim measures, including but not limited to no contact orders, temporary restrictions from specific areas of the campus, changes in class schedules and/or delivery; changes in residence hall assignments and/or changes in campus employment.

4.4. Students may be ordered to leave the College 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 senior student affairs officer.

~~3.2.4.5.~~ Students suspended or expelled from one of the Colleges may be admitted to another College only under the same conditions that they would be readmitted to the College from which they were suspended.

#### **4.5. Misconduct Standards of Responsible Conduct**

The following acts shall be considered to constitute misconduct for which an offending student and/or student organization may be subject to disciplinary sanctions.

~~4.1.5.1.~~ Participation in a demonstration on College property which materially and substantially disrupts or obstructs the normal operations, activities or functions of the College, including unauthorized occupation of College premises;

~~4.2.5.2.~~ Failure to evacuate College facilities or willfully ignoring any emergency or alarm signal or request to evacuate by appropriate emergency personnel;

~~4.3.5.3.~~ Falsification or willful suppression of any information for or on an application for admission, or falsification or misuse of College identification or other documents;

~~4.4.5.4.~~ Misuse of computers or computing resources, including, but not limited to, violating the following federal regulations: the Copyright Act of 1976 and the Fair Use Guidelines, the Digital Millennium Copyright Act of 1998, and the Technology, Education and Copyright Harmonization Act of 2002;

~~4.5.5.5.~~ 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 other alcohol container on any part of College property including outdoor areas and parking lots;

~~4.6.5.6.~~ Alcohol consumption that endangers the health, safety, or property of oneself or another, or requires medical treatment or College staff intervention;

~~4.7.5.7.~~ 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;

~~4.8.5.8.~~ 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; or inflicting willful and repeated harm through the use of computers, cell phones, and other electronic devices;

- ~~4.9-5.9.~~ Any act occurring on College property or on the premises of a student housing unit which intentionally disturbs the peace and quiet of any person or group of persons;
- ~~4.10-5.10.~~ Sex harassment as Board Policy 3020 defines those terms;
- ~~4.11-5.11.~~ Conduct which is unreasonably dangerous to the health or safety of other person or oneself;
- ~~4.12-5.12.~~ Theft or attempted theft of any property or receipt of stolen property;
- ~~4.13-5.13.~~ Damaging or attempting to damage property of the College or of another individual;
- ~~4.14-5.14.~~ Using or possessing bombs, explosives, incendiary devices, or fireworks;
- ~~4.15-5.15.~~ 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;
- ~~4.16-5.16.~~ Failing to report a fire or any other extremely dangerous condition when known or recognized on College property or on the premises of any student housing unit;
- ~~4.17-5.17.~~ Possessing or selling firearms ammunition, weapons, explosives, or dangerous chemicals on College property or on the premises of any student housing unit;
- ~~4.18-5.18.~~ Obstructing or failing to comply with the directions of a law enforcement officer, firefighter, or College official in the performance of their duty on College property, on the premises of any student housing unit or at any activity or event sponsored by the College or an organizations;
- ~~4.19-5.19.~~ Hazing any person. Consent of the victim of the hazing will not constitute a defense to an allegation of misconduct for hazing. Hazing shall mean any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any organization;
- ~~4.20-5.20.~~ Committing any unlawful act of indecent exposure or public indecency;
- ~~4.21-5.21.~~ Participating in any gambling activity in violation of the laws of the State of Nebraska or of the United States;
- ~~4.22-5.22.~~ Unauthorized use of any College property, facilities, equipment, or materials;

~~4.23-5.23.~~ Possessing, producing, manufacturing, or having manufactured without proper authorization, any key or unlocking device for use on any College facility or lock;

~~4.24-5.24.~~ Serious traffic violations on the campus, including, but not limited to, operating any vehicle while intoxicated, speeding, reckless endangerment, or reckless driving;

~~4.25-5.25.~~ Violation of any student housing unit policy, rule or regulation;

~~4.26-5.26.~~ 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;

5.27. Abuse of College investigations or 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, false 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.

~~4.27.—~~

~~4.28-5.28.~~ Any act by a student which occurs on the campus, while studying abroad, 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;

~~4.29-5.29.~~ 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;

~~4.30-5.30.~~ Harassing or discriminating against any student, faculty, or staff member, as defined in Board Policy 3021, on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, religion or age; and

~~4.31-5.31.~~ Any other activity or conduct prohibited by the College in published policies.

#### **5.6. Unreasonably Dangerous or Threatening Conduct Toward Self**

~~5.1-6.1.~~ Student behaviors and actions that are unreasonably dangerous to self or which threaten the student's own safety or health may constitute misconduct under this Policy and may be addressed by the College administration through the disciplinary process. When practicable and appropriate, efforts will be made to advise students regarding voluntary withdrawal options in lieu of initiating disciplinary due process as set forth in Board Policy 3020.

~~5.2-6.2.~~ At the discretion of the senior student affairs officer, a student may be allowed to voluntarily withdraw when continued enrollment no longer appears to be in the best interests of the student and/or College in conjunction with mutually agreed upon conditions that will be required for the student to reapply for admission.

#### **6. Temporary Suspension**

~~6.1.~~ Students may be ordered to leave the College 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 senior student affairs officer.

- ~~• For next level, use this bullet~~
- ~~○ For next level, use this bullet~~

#### **7. Other Interim Measures**

~~7.1.~~ Pending disciplinary action under Board Policy 3200, students may be subject to interim measures, including but not limited to no contact orders, temporary restrictions from specific areas of the campus, changes in class schedules and/or delivery, changes in residence hall assignments and/or changes in campus employment.

---

#### **SOURCE:**

**Policy Adopted:** January 1977

**Policy Revised:** April, 1981, June 1993, March 1994, August 1997, March 2008, March 2011, January 2012, April 2014, June 2016, June 2018, September 2019, April 2020, June 2021, April 2022



**SOURCE:**

85-312            State colleges; morals of the pupils; faculty; religious test forbidden

RRS 85-601    Interference with operation; faculty, administrative staff, student; dismissal or  
expulsion

RRS 85-301    State college; official names; Board of Education; appointment; no compensation;  
travel expenses

RRS 53-186    Consumption of liquor on public property, public roads, streets, alleys; prohibition;  
exceptions

## Board of Trustees of the Nebraska State Colleges

### Student Affairs

POLICY  
NAME: Due Process

POLICY  
NUMBER: 3200

---

#### **A. PURPOSE**

To establish and provide procedural due process to students accused of misconduct pursuant to Policy 3100.

#### **B. DEFINITIONS**

1. **Preponderance of the Evidence:** The standard of evidence to be used to determine responsibility for misconduct meaning it is more likely than not that the misconduct occurred.

#### **C. POLICY**

##### **1. Informal Resolution**

The College may resolve conduct issues informally if warranted by the individual circumstances including, but not limited to the responsiveness of the student, the severity of the offense, a student's prior misconduct, and the health and safety of the student and other members of the campus community.

Informal resolution of conduct issues in which two (2) or more students are involved in a physical altercation with one another will not be permitted unless all students involved agree to informal resolution.

##### **2. Disciplinary Sanctions**

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

##### **3. Withdrawal**

At the discretion of the senior student affairs officer, a student may be allowed to voluntarily withdraw when continued enrollment no longer appears to be in the best interests of the student and/or College in conjunction with mutually agreed upon conditions that will be required for the student to reapply for admission.

The senior student affairs officer will work with the Vice President for Academic Affairs to determine what, if any, academic penalties would apply. Any

unresolved conduct issues will remain pending and must be resolved as a condition of readmission. Additional conditions may include, but not be limited to, the length of time a student must wait to reapply and/or the length of time a student has to reapply for admission.

#### **4. Notice**

- 4.1. The student shall be notified in writing by an appropriate College official that they are accused of misconduct. The student shall be made aware of ground which would justify such action by way of the student handbook or other published College regulation.
- 4.2. The student shall be notified that they may elect one of three (3) courses of action. The student shall be advised of a date (deadline) by which such an election must be communicated to the appropriate College official.
  - Option 1: The student may admit the alleged violation and request, in writing, that the appropriate College official take whatever action seems appropriate.
  - Option 2: The student may admit the alleged violation in writing and request a hearing before the appropriate hearing panel designated by the College. The hearing panel will determine the appropriate sanctions.
  - Option 3: The student may deny the alleged violation, in which case, the appropriate College official shall refer them to the appropriate hearing panel designated by the College. The hearing panel will determine responsibility and the appropriate sanctions.
- 4.3. 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.
- 4.4. 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.
- 4.5. If the student fails to respond to the appropriate College official in a timely manner according to the date (deadline) and/or fails to elect one (1) of the three (3) courses of action, the appropriate College official may address the alleged misconduct without providing further due process.

#### **5. Option 1 Procedure**

If the student chooses to admit the alleged violation and that the College take appropriate action, the College may address the alleged misconduct without providing further due process.

#### **6. Option 2 or 3 Procedure**

- 6.1. If the student selects either to admit the alleged violation and have a hearing panel determine appropriate sanctions or deny the alleged

violation and have a hearing panel determine responsibility and the appropriate sanctions, a hearing shall be conducted in accordance with this section within ten (10) class days, unless the student requests an extension in writing, which shall not be unreasonably denied.

- Requests for an extension should be directed to the senior student affairs officer.
- Students studying abroad shall be under the direction of the accompanying College official until the student's return to campus, at which time, if needed, the due process procedures will commence.

6.2. 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 to prepare a presentation and defense;
- A written statement of the allegations (incident or behavior) with sufficient particularity so that the student may prepare their 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.

6.3. Members of the hearing panel shall have the opportunity to examine the case file beforehand.

6.4. The student shall be entitled to appear in person before the hearing panel, and may call witnesses on their behalf. If the student does not appear before the hearing panel, the hearing shall be held in their absence.

6.5. The student shall be entitled to be accompanied by a person of their 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 presentations or arguments, examine or cross examine a witness, or object to testimony of a witness or to the introduction of other evidence.

6.6. Members of the hearing panel shall have the opportunity to question the accused and witnesses at the hearing.

6.7. The student shall be entitled to ask questions of the hearing panel or any witness.

6.8. The student shall be entitled to an expeditious hearing of the case.

- 6.9. Hearings are closed to the public.
- 6.10. An audio recording of the hearing will be made and kept by the College consistent with document retention schedules.
- 6.11. The student shall be entitled to an explanation in writing of the reasons for any decisions rendered against them and the discipline imposed, and shall be given access to the hearing panel's decision for their personal records.
- 6.12. Technical rules of evidence or procedure need not be employed in the hearing proceedings. 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.
- 6.13. A student's misconduct shall be determined by a preponderance of the evidence standard.
- 6.14. Hearing decisions need not be unanimous. A simple majority vote shall be sufficient.
- 6.15. The student shall be notified of their right to appeal the decision of the hearing panel to the senior student affairs officer.
- 6.16. Appeals must be in writing and are due to the senior student affairs officer within five (5) class days after the student received the hearing panel's decision. If the senior student affairs officer was a member of the hearing panel, the student may submit the appeal directly to the President.
- 6.17. Appeals must be based on one (1) of the following grounds:
  - Procedural due process was violated;
  - The sanction was excessive;
  - The evidence did not support the decision; or
  - Substantive new information is available that was not available at the hearing.
- 6.18. Should the student appeal, any action assessed by the hearing panel shall be suspended until acted upon by the President.
- 6.19. Appeals of the President's decision may be submitted to the Chancellor but shall be limited to allegations that fair procedural due process has not been provided in accordance with this policy.
- 6.20. Appeals to the Chancellor must be in writing and are due within five (5) days after the student receives the President's decision.
- 6.21. Should the student appeal, any action assessed by the hearing panel shall be suspended until acted upon by the Chancellor.

## **7. Hearing Panel**

- 7.1. The hearing panel shall be the decision-making body acting independently of the President.
- 7.2. The hearing panel designated by the College shall be composed of College administrators, faculty staff, and/or students. Such selection shall be at the approval of the President or designated Vice President or Dean. Individuals serving on the panel need not be disqualified because they have superficial knowledge of the background of the case, or because they may not be the participants. The basic test shall be whether or not the panelist can judge the case fairly, without bias or prejudice, and solely on the evidence presented.

## FORMS/APPENDICES:

None

---

## SOURCE:

|                         |                 |        |   |
|-------------------------|-----------------|--------|---|
| <b>Legal Reference:</b> | Neb. Rev. Stat. | 85-602 | Faculty, administrative staff, student; dismissal or expulsion; procedure.                |
|                         | Neb. Rev. Stat. | 85-603 | Faculty, administrative staff, student; dismissal or expulsion; order; contents; service. |

**Policy Adopted:** January 1977

**Policy Revised:** June 1993, March 1994, April 2003, June 2006, March 2008, March 2011, April 2012, June 2018, September 2019, July 2020, June 2021, April 2022, June 2023