

6-12-2016

## UNO-Website-UNO-Student-Code-of-Conduct Article IV

NU Board of Regents

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### Recommended Citation

NU Board of Regents, "UNO-Website-UNO-Student-Code-of-Conduct Article IV" (2016). *Student Learning*. 131.

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# ARTICLE IV: STUDENT CODE OF CONDUCT DISCIPLINARY PROCEDURES

## A. GENERAL

1. Right to Disciplinary Proceeding. Except in cases of interim suspension or other interim action ordered by the Senior Student Affairs Officer as hereafter provided, suspension, expulsion or other disciplinary sanction for misconduct may not be imposed without a disciplinary proceeding in accordance with these Disciplinary Procedures.
2. Student Court Jurisdiction. Nothing in these Disciplinary Procedures shall affect the jurisdiction of the Student Court of the Student Government of the University of Nebraska at Omaha (SG-UNO) with respect to SG-UNO constitutional matters, RSOs and other non-disciplinary student matters.
3. Disciplinary Procedures of Related Conduct Boards. All Related Conduct Boards shall model their disciplinary procedures insofar as possible after these Disciplinary Procedures. See Section M relating to Related Conduct Boards.
4. Conduct Officer. The Conduct Officer shall mean the Director of Student Conduct and Community Standards or a University official authorized by the Senior Student Affairs Officer to impose sanctions upon students or RSOs found to have violated the Student Code or other published University policies and regulations prescribing standards of student conduct.

## B. RIGHTS OF THE COMPLAINANT AND THE RESPONDENT

1. Complaint. Any member of the University community, visitor or guest may file a written misconduct complaint against a student or RSO alleging misconduct under the Student Code or other policy. Misconduct complaints shall be filed with the Office of Student Conduct and Community Standards
2. Responsibility of the Conduct Officer. If the Conduct Officer determines that the misconduct alleged in a complaint warrants the institution of disciplinary proceedings, he or she shall insure compliance with these Disciplinary Procedures.
3. Disqualification of Conduct Officer. In the event the Conduct Officer may be a material witness in any disciplinary proceeding or for any reason cannot perform his or her duties under these Disciplinary Procedures, or has any conflicts of interest with a particular case, the Senior Student Affairs Officer shall appoint an acting Conduct Officer to perform such duties.
4. Review of Complaint. The Conduct Officer shall make a preliminary investigation of each complaint to determine whether it may be disposed of without implementation of disciplinary proceedings. Within 20 school days after receipt of a written misconduct complaint against a student or RSO, the Conduct Officer must decide on one of three courses of action: (a) dismiss the complaint, (b) propose an administrative disposition to the student or RSO, or (c) initiate a disciplinary proceeding before the University Conduct Board or a related conduct board.
5. Informal Meeting. The Conduct Officer may conduct an informal meeting with a student or RSO accused of misconduct to discuss the alleged misconduct. Prior to any such informal meeting the student or RSO accused of misconduct shall be apprised in writing of the following:
  - a. The source and nature of the misconduct complaint which has been filed.
  - b. That the student or RSO is entitled to be accompanied by legal counsel or an adviser at the expense of the student or RSO at any meeting or hearing relevant to the misconduct alleged in the complaint.
  - c. That the student or RSO is under no obligation at any time to make any statement at any meeting or hearing relevant to the misconduct alleged.

d. That all information obtained in the course of the investigation will be relevant to a final decision under these Disciplinary Procedures.

During any such informal meeting, the Conduct Officer may proceed with administrative disposition of a complaint pursuant to Section D.2 of these Disciplinary Procedures if the Conduct Officer determines that administrative disposition is appropriate and if the same is accepted by the student or RSO as provided in Section D.2.

6. Failure to Appear. If a student or RSO accused of misconduct fails to appear at an informal meeting requested by the Conduct Officer, the Conduct Officer may initiate disciplinary proceedings before the University Conduct Board or a related conduct board.

### C. INTERIM ACTION

Pending initiation of disciplinary proceedings by the Conduct Officer, the Senior Student Affairs Officer may at any time impose restrictions and/or temporarily suspend a student from the University or deny a student readmission when the Senior Student Affairs Officer finds and believes from information coming to his or her attention that the presence of the student on the University campus would seriously disrupt the University or constitute a danger to the health, safety or welfare of other persons, the student, or property of the University or members of the University community.

Restrictions imposed may include denial of access to University housing, other specified University facilities or events, one or more classes, and/or University activities or privileges for which the student might otherwise be eligible. If a student is placed on interim suspension or has restrictions imposed by the Senior Student Affairs Officer, the Senior Student Affairs Officer shall promptly instruct the Conduct Officer to initiate appropriate disciplinary proceedings against the student within two (2) working days after the interim suspension or restriction is imposed. If a student is placed on interim suspension or has restrictions imposed and is ultimately found not responsible for misconduct, such student shall be allowed, if at all possible, to make up academic work missed while on interim suspension or restriction.

### D. ADMINISTRATIVE AND CONDUCT BOARD DISCIPLINARY PROCEEDINGS.

1. General. If the Conduct Officer determines that the institution of a University disciplinary proceeding for alleged misconduct is in the best interests of the University and/or the University community, such proceeding shall be instituted and the individual or RSO alleged to have violated the Student Code of Conduct will be notified in accordance with the procedures for administrative disposition or the procedures for Conduct Board disposition provided below.
2. Administrative Disposition. The Conduct Officer, in the exercise of his or her reasonable judgment and when agreed to in writing by the student or RSO, shall have authority by administrative disposition of a disciplinary proceeding to impose any of the disciplinary sanctions provided in Section G. The proposed administrative disposition shall list all Student Code violations which the student or RSO is accused of violating as a result of the alleged misconduct. Where an administrative disposition proposed by the Conduct Officer is not accepted in writing by the student or RSO, the student or RSO shall have the right to have the matter of the alleged misconduct referred to the University Conduct Board. The student or RSO shall have three (3) school days within which to accept or reject an administrative disposition proposed by the Conduct Officer. If the student or RSO fails to accept or reject the proposed administrative disposition within such three school day period, rejection will be presumed and the matter shall be referred to the University Conduct Board or a related conduct board for resolution, as provided in Section D.3.

3. Conduct Board Disposition. If a student or RSO rejects administrative disposition of a disciplinary proceeding proposed by the Conduct Officer, the Conduct Officer shall institute a disciplinary proceeding before the University Conduct Board or before a related conduct board for the misconduct alleged in the complaint. The disciplinary proceeding instituted shall be limited to those Student Code violations listed in the rejected administrative disposition, unless new information becomes available after the administrative disposition was rejected. Further, the Conduct Officer may institute a disciplinary proceeding for alleged misconduct directly before the University Conduct Board or a related conduct board without first offering administrative disposition to a student or RSO accused of misconduct.
4. Jurisdiction. The University Conduct Board shall have general original jurisdiction under these Disciplinary Procedures to hear and decide any disciplinary proceeding against a student or RSO accused of misconduct. Related Conduct Boards shall have limited original jurisdiction to hear and decide disciplinary proceedings according to their respective disciplinary procedures. (See Section M.5 relating to jurisdiction of Related Conduct Boards.)

## E. UNIVERSITY CONDUCT BOARD PROCEDURE

1. Notice. All disciplinary proceedings before the University Conduct Board shall be instituted by written notice delivered to the student accused of misconduct or delivered to an officer of the RSO accused of misconduct. Such written notice shall contain the following information:
  - a. Source of the misconduct complaint.
  - b. Statement of alleged facts constituting misconduct under the Student Code or other policy.
  - c. Citation of the specific provision(s) of the Student Code of Conduct or other policy alleged to have been violated.
  - d. Description of the pertinent information (e.g. records, statements, images or other information) to be presented.
  - e. Date, time and place of the hearing before the Conduct Board. Each hearing shall be scheduled at least three (3) school days after the date of receipt of the written notice.
  - f. A statement that the student or RSO accused of misconduct may be accompanied by legal counsel or other adviser at the hearing before the Conduct Board, to be provided at the expense of the student or RSO, and that such legal counsel or adviser may advise the student or RSO, but may not directly participate in the hearing.
  - g. That the student or RSO accused of misconduct is under no obligation to make any statement at the hearing relevant to the alleged misconduct, and that refusal to make a statement will not be considered as an indication of responsibility.
  - h. That the student or RSO accused of misconduct has the right to inspect any pertinent information the Conduct Officer intends to present at the hearing prior to the hearing in the Office of Student Conduct and Community Standards and that the student or RSO will be advised in writing prior to the hearing of any pertinent information subsequently discovered, which the Conduct Officer intends to present at the hearing and given an opportunity to inspect such information.
2. Failure to Appear. The student accused of misconduct or a student officer of the RSO accused of misconduct will be expected to be present at the hearing before the Conduct Board. If the student or a student officer of the RSO fails to appear at the time and place designated for the hearing, the Conduct Board shall proceed with the hearing provided a majority of the Conduct Board members present are satisfied that the student or RSO has received written notice as required by Section E.1. The Conduct Board will then proceed in the absence of the student or RSO and render a decision, based upon the information presented at the hearing.

3. Quorum. Every student or RSO accused of misconduct in disciplinary proceedings before the Conduct Board is entitled to a hearing by a quorum of the Conduct Board. A quorum will consist of two faculty members, one staff member and four student members of the Conduct Board. If a quorum is not present, the student or student officer of the RSO, as the case may be, and the Conduct Officer may stipulate and agree in writing that the Conduct Board hearing may be conducted and the case may be decided by those Conduct Board members present even though a quorum has not been established. If there is no such stipulation, the hearing shall be rescheduled as soon as is reasonably possible.
4. Status Pending Conduct Board Proceedings. The status of a student accused of misconduct shall not be altered and the right of a student to be present on campus and to attend classes shall not be suspended during the time of any pending disciplinary proceeding against the student unless the Senior Student Affairs Officer determine that administrative withdrawal of the student is required for compelling reasons, including but not limited to the protection of the health, safety or welfare of the student, other persons, or the property of the University and/or the members of the University community. The status of an RSO accused of misconduct shall not be altered pending any disciplinary proceeding, unless the Senior Student Affairs Officer determines that suspension of the RSO from the University is required for compelling reasons in order to protect the health, safety or welfare of the members of the University community, their property or that of the University.
5. Disqualification of a Conduct Board Member.
  - a. If any member of the Conduct Board believes that associations, relationships, or other circumstances exist such that he or she is unable, or is perceived to be unable, to render a fully fair and impartial decision, such Conduct Board member shall disqualify himself or herself from participation in the proceeding. Additionally, a member may elect not to serve on the Conduct Board for a particular proceeding if the member, in the exercise of reasonable discretion, believes there may be an appearance of impropriety by serving as a member of the Conduct Board for that proceeding. The foregoing shall not relieve the Conduct Board from the requirement of maintaining a quorum as required by Section E.3 above.
  - b. At the beginning of any hearing before the Conduct Board, prior to any presentation of pertinent information related to the alleged misconduct, each member of the Conduct Board shall state and affirm on the record that to the best of their knowledge and belief, he or she is able, and knows of no reason why, he or she would be unable, or would be perceived as unable, to render a fully fair and impartial decision for the matter before the Conduct Board.
6. Conduct Board Hearings Closed. All hearings of the Conduct Board shall be private and closed to the public; provided that the Complainant, the Respondent and their advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is presented. Admission of any other person to the hearing shall be at the discretion of the Conduct Board in consultation with the Conduct Officer. Neither the Complainant, nor the Respondent, nor their advisors, if any, shall be allowed to attend the deliberations of the Conduct Board.
7. Right to Separate Hearing. In any proceeding involving more than one Respondent, any Respondent may request and the Conduct Board, at its discretion may grant, a separate disciplinary proceeding before the Conduct Board.
8. Hearings During 15th Week, Finals Week and Summer Sessions. Conduct Board hearings may not be available during the last two weeks of each semester (15th Week and Finals Weeks) and during summer school sessions. During these time periods the Senior Student Affairs Officer may designate one or more hearing officers who shall be authorized to serve as the Conduct Board, to conduct hearings and render decisions in disciplinary proceedings in accordance with the procedures governing the Conduct Board to the extent reasonably applicable.
9. Decisions. The Conduct Board shall render a written decision in each proceeding in accordance with the requirements of Sections G.1 and G.2 of these Disciplinary Procedures.

## F. RULES APPLICABLE TO THE CONDUCT BOARD HEARING

1. Board Proceeding: The Conduct Officer shall present the report of his or her investigation of the alleged misconduct, followed by the opportunity for the student or RSO accused of misconduct to present information. The Conduct Board may ask questions during or following each presentation of information.
2. Witnesses. The Conduct Board, the Complainant and the Respondent may arrange for witnesses to present pertinent information to the Conduct Board. Witnesses will provide information to and answer questions from the Conduct Board. Questions may be suggested by the Complainant or the Respondent to be answered by each other or by other witnesses. This will be conducted by the Conduct Board with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Conduct Board.
3. Attorney or Adviser Not Allowed to Participate in Hearing. An attorney or other adviser for a Complainant or a Respondent may be present at the hearing solely to advise, and may not directly participate in the hearing. Without limiting the generality of the foregoing sentence, an attorney or other adviser shall not be permitted to make oral presentations or arguments, ask questions of the Conduct Board examine or cross-examine a witness, or object to testimony of a witness or to introduction of other information. Anyone creating a disruption to the hearing process, including an attorney or adviser, will be removed at the discretion of the Board chair. Each of the Complainants and Respondents are expected to present their own pertinent information and, therefore, advisers are not permitted to speak or to participate directly in any hearing before the Conduct Board.
4. Evidentiary Rules. Formal rules of process, procedure, and technical rules of evidence, like those applied in criminal or civil court, are not used, nor are they applicable, in proceedings before the Conduct Board. Incompetent, irrelevant, immaterial and unduly repetitious information may be excluded at the discretion of the Board Chair.
5. Verbatim Record. The Conduct Board shall make a confidential verbatim record of each hearing. Such verbatim record shall be made by such method of recording or recording device as the University deems suitable. The recording shall be the property of the University. Copies of such record may be obtained by a Respondent upon payment of the cost of duplication and used only for the purpose of an appeal under these Disciplinary Procedures or as otherwise required by law. In no event shall the record of a Conduct Board hearing be used in a manner which violates the privacy or other rights of any student, University employee or other person, whether such rights are set forth in law or the policies of the University/University of Nebraska. Any form of distribution of the recording, other than as permitted above, shall constitute a separate and actionable violation of the Student Code, including, but not limited to, Article III, B3.

## G. CONDUCT BOARD DECISIONS

1. After hearing and considering the pertinent information presented, the Conduct Board shall, by a majority vote, render a decision as follows:
  - a. Not In Violation. Misconduct has not been proved; or
  - b. In Violation. Misconduct has been proved.

Misconduct shall be deemed proved if the information presented to the Conduct Board supports a finding that it is more likely than not that the alleged violation occurred. This is commonly referred to as a preponderance of the evidence standard.

The Conduct Board may decide not to impose a disciplinary sanction, if mitigating circumstances warrant that no sanction be imposed, or it may decide to impose one or more, or any combination, of the disciplinary sanctions as follows:

- a. **Warning:** A notice in writing to the Respondent that the Respondent is violating or has violated specific designated sections of the Student Code.
  - b. **Probation:** A written reprimand for violation of specific designated sections of the Student Code. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the Respondent is found to violate the terms of the probation or any provision of the Student Code during the probationary period.
  - c. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
  - d. **Fines:** Previously established and published fines may be imposed.
  - e. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - f. **Discretionary Sanctions:** Work assignments, essays, presentations, programs, service to the University, or other related discretionary assignments.
  - g. **Residence Hall Suspension:** Separation of the Respondent from the residence halls for a specific period of time, after which the Respondent is eligible to return. Conditions for return to the residence hall may be imposed at the time of the sanctioning.
  - h. **Residence Hall Expulsion:** Permanent separation of the Respondent from the residence halls.
  - i. **University Suspension:** Separation of the Respondent from the University for a specific period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.
  - j. **University Expulsion:** Permanent separation of the Respondent from the University.
  - k. **Revocation of Admission and/or Degree:** Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation that may have resulted in suspension or expulsion.
  - l. **Withholding Degree:** The University may permanently withhold awarding of a degree or withhold the award of a degree pending the completion of the Disciplinary Procedures, including the completion of all sanctions imposed.
2. **Written Decisions; Delivery.** The Conduct Board shall render its decisions in writing within ten (10) school days after the conclusion of a hearing. Each decision shall contain findings of fact as well as the Conduct Board's disposition of the proceeding and shall be delivered to the Office of Student Conduct and Community Standards together with the verbatim record of the Conduct Board hearing. Within one school day of rendering the decision, a copy of the decision shall be mailed to the Respondent by U.S. post at the address of record as verified at the hearing, or e-mailed to an address designated by the Respondent at the hearing.

In disciplinary proceedings involving crimes of violence, the Conduct Officer will, if, requested by the alleged victim(s), disclose to the alleged victim(s) whether the Respondent was found in violation of the Student Code. The disciplinary sanctions imposed on any Respondent may be disclosed to the victim(s) at the discretion of the Conduct Officer. Violations of the Student Code which may be considered crimes of violence include, but are not limited to, physical abuse, sexual assault, and hazing.

## **H. PROCEDURAL INTERPRETATION; SUPPLEMENTAL RULES**

Questions of interpretation arising with respect to the Student Code and its Disciplinary Procedures shall be determined in the discretion of the Conduct Officer. The Conduct Board may adopt supplemental rules and regulations, not in conflict with the provisions of these Disciplinary Procedures, which the Board shall determine to be necessary for the fair and impartial conduct of its proceedings.

## I. REHEARING

1. Timeline for petition. A student or RSO found in violation of the Student Code by the Conduct Board may petition the Conduct Board to rehear the proceedings upon the discovery of new and pertinent information that may substantially alter the outcome of the original decision as follows:
  - a. In cases of suspension, a petition for rehearing request may be filed anytime during the term of suspension.
  - b. In cases of expulsion, there shall be no time limit on the filing of a petition for rehearing.
  - c. In all other cases, a petition for rehearing may be filed within 90 calendar days from the date of the decision of the Conduct Board.
2. No appeal available. The Conduct Board will judge the sufficiency of the new information, and no appeal may be taken from its decision to either grant or deny the request to rehear the disciplinary proceedings.
3. Admissibility of verbatim record. If a rehearing is granted, the verbatim record of the original hearing shall be fully admissible and considered by the Conduct Board.
4. Burden required to prevail. In order to prevail, the Respondent must demonstrate that, based upon the new information, the original decision is wrong and should be modified or rescinded.

## J. CONDUCT BOARD COMPOSITION AND TERM OF OFFICE

1. Membership. The members of each University Conduct Board shall be selected by lot from the Judicial Committee by the Vice Chancellor for Academic and Student Affairs or his or her designee, with four (4) students, two (2) faculty members and one (1) staff member being selected. This Committee shall be established by July 1 for each year, and shall be composed of the following:
  - a. Fifteen (15) students appointed by Student Government with the advice and consent of the Student Senate;
  - b. Eleven (11) faculty members appointed by the Faculty Senate President and with the consent of the Faculty Senate;
  - c. Seven (7) staff members with four (4) appointed by the Staff Advisory Council from employees in the Managerial/Professional and Office/Service categories and three (3) appointed by the Chancellor from administrators in the Academic/Administrative category.

All members shall attend a Conduct Board training session prior to serving on the Conduct Board.

2. Vacancies. If it is not possible to construct a full board, additional persons in the category with insufficient members available to serve may be selected by the same process as stated above. Should the Faculty Senate, the Staff Advisory Council or the UNO Student Government Senate refuse or for any reason fail to submit any of the above-mentioned lists when requested, the Vice Chancellor for Academic and Student Affairs shall directly make any appointment required to fill a vacancy on the Judicial Committee.
3. Term of Office. Student members of the University Conduct Board shall be appointed for a term of one academic year from the first day of Fall term classes extending through the last day of Spring term classes. Faculty members shall be appointed for a term of three academic years, with at least three new three-year terms commencing each year. Staff members shall be appointed for a term of three academic years, with at least two new three-year terms commencing each year. Members may be reappointed provided their names are included on the lists submitted to the Vice Chancellor for Academic and Student Affairs pursuant to Section J.1 Members may not serve more than two consecutive terms.
4. Chairperson. Each Conduct Board shall select a chairperson who shall preside over the Conduct Board hearing.
5. Removal from the Conduct Board. If any of the following situations occur, a member may be removed from the Judicial Committee by the Senior Student Affairs Officer:



- a. A member fails to respond to meeting notices more than twice in a single semester.
- b. A student member is found to be in violation of the Student Code.
- c. A member is found to be in violation of the privacy or other rights of any member of the University community who is involved in a disciplinary proceeding, whether such rights are set forth in law or the policies of the University/University of Nebraska.
- d. The Senior Student Affairs Officer determines, in his or her discretion, that a member has engaged in conduct that so adversely impacts and reflects upon the member's honesty, integrity, or moral values, so as to render him or her unable to meaningfully and credibly participate in the hearing, deliberations, or decision of the Conduct Board.

## K. APPEALS AND UNIVERSITY APPEALS BOARD PROCEDURE

1. Right of Appeal. A student or RSO found in violation of the Student Code by the University Conduct Board or any related Conduct Board shall have the right to appeal to the University Appeals Board which has exclusive appellate jurisdiction in all disciplinary proceedings.
2. Timeliness. Any appeal must be submitted in writing to the University Appeals Board and received in the Office of the Senior Student Affairs Officer within five (5) calendar days after the date of mailing or e-mailing the Conduct Board decision to the Respondent.
3. Issues to be Considered on Appeal. The Appeals Board will consider only the following issues on appeal:
  - a. That the information presented to and received by the Conduct Board was not sufficient to support its decision.
  - b. That sanctions imposed by the Conduct Board were excessive and not in keeping with the gravity of the misconduct.
  - c. That the Conduct Board failed to follow the Disciplinary Procedures and that as a result of such failure the student or RSO did not receive a fair and impartial hearing.

An appeal which does not clearly raise in writing one or more of the three issues listed above shall be dismissed without further consideration. The Appeals Board shall limit its review to the issue or issues raised in the written appeal and no others. The Appeals Board shall complete its review of the written appeal within 10 school days after its receipt, and shall promptly issue written notice of its decision to the student or student RSO.

4. Oral Presentations. In considering an appeal, the Appeals Board may ask either the student or RSO making the appeal and the Conduct Officer to make an oral presentation. In this case the student or RSO making the appeal shall first make an oral presentation followed by an oral presentation by the Conduct Officer. The Appeals Board may ask questions of all parties.
5. Record of Proceedings Before the Conduct Board. Upon request by the Appeals Board, the Conduct Officer shall deliver to the Appeals Board the record of the Conduct Board proceedings, including the recording of the Conduct Board hearing.
6. Disposition by Appeals Board. After reviewing an appeal complying with the requirements of Section K.3 the Appeals Board may decide as follows:
  - a. Affirm the Conduct Board decision, or
  - b. Modify or rescind any sanction imposed by a Conduct Board if the Appeals Board finds that good cause exists for the modification or rescission.

7. Status Pending Appeals Board Proceedings. Any sanctions imposed by a Conduct Board shall be suspended until an appeal is decided by the University Appeals Board. The status of a student shall not be altered and the right of a student to be present on campus and to attend classes shall not be suspended during the time of any appeal proceeding, unless the Senior Student Affairs Officer determines that interim suspension of the student or other interim action is required for compelling reasons, including but not limited to the protection of the health or safety or welfare of the student, other persons, or property of the University and/or the members of the University community. The status of an RSO shall not be altered pending any appeal proceedings, unless the Senior Student Affairs Officer determine that suspension of the RSO from the University or other interim action is required for compelling reasons in order to protect the health, safety or welfare of the members of the University community, their property, or that of the University.
8. Quorum. A quorum will consist of two faculty members, one staff member and four student members. If a quorum is not present, the student or student officer of the RSO, as the case may be, and the Conduct Officer may stipulate and agree in writing that the appeal may be heard by those Appeals Board members present even though a quorum has not been established. If there is no such stipulation, the proceeding shall be rescheduled as soon as is reasonably possible.
9. Disqualification of an Appeals Board Member. If any member of the Appeals Board believes that associations, relationships, or other circumstances exist such that he or she is unable, or is perceived to be unable, to render a fully fair and impartial decision, such Appeals Board member shall disqualify himself or herself from participation in the proceeding. Additionally, a member may elect not to serve on the Appeals Board for a particular appeal proceeding if the member in the exercise of reasonable discretion believes there may be an appearance of impropriety by serving as a member of the Appeals Board for that appeal proceeding. The foregoing shall not relieve the Appeals Board from the requirement of maintaining a quorum as required by Section K.8 above.
10. Attorney or Adviser Not Allowed to Participate. An attorney or other adviser for a Complainant or Respondent may be present at any proceedings of the Appeals Board solely to advise, but may not directly participate in the proceedings. Without limiting the generality of the foregoing sentence, an attorney or other adviser shall not be permitted to make oral presentations, arguments, or ask questions of the Appeals Board. The Respondents are expected to present their own appeal and, therefore, advisors are not permitted to speak or to participate directly in any proceeding before the Appeals Board.
11. Verbatim Record. The Appeals Board shall make a confidential verbatim record of its proceedings. Such verbatim record shall be made by such method of recording or recording device as the University deems suitable. The recording shall be the property of the University.
12. Appeals During 15th Week, Finals Week and Summer Sessions. Appeals Board hearings may not be available during the last two weeks of each semester (15th Week and Finals Week) and during summer school sessions. During these time periods the Senior Student Affairs Officer may designate one or more hearing officers who shall be authorized to hear appeals and render decisions in accordance with the procedures governing the Appeals Board to the extent such procedures are reasonably applicable.
13. Appeals Board Proceedings Closed. All proceedings of the Appeals Board shall be private and closed to the public; provided that the Complainant, the Respondent and their advisors, if any, shall be allowed to attend the entire appeal hearing.
14. Appeals Board Decision. The decisions of the Appeals Board shall be final and may not be further appealed within UNO or the University of Nebraska.

## L. APPEALS AND BOARD COMPOSITION AND TERM OF OFFICE

1. Membership. The members of each University Appeals Board shall be selected by lot from the Judicial Committee by the Vice Chancellor for Academic and Student Affairs or his or his or her designee, with four (4) students, two (2) faculty members and one (1) staff member being selected. Members shall attend an Appeals Board training session prior to serving on the Board.
2. Term of Office. Members of the University Appeals Board shall be appointed for a term of office as described in Section J.3
3. Chairperson. Each Appeals Board shall select a chairperson who shall preside over the Appeals Board hearing.
4. Removal from the Appeals Board. If any of the following situations occur, a member may be removed from the Appeals Board by the Senior Student Affairs Officer:
  - a. A member fails to respond to meetings notices more than twice in a single semester.
  - b. A student member is found to be in violation of the Student Code.
  - c. A member is found to be in violation of the privacy or other rights of any member of the University community who is involved in a disciplinary proceeding, whether such rights are set forth in law or the policies of the University/University of Nebraska.

## M. RELATED CONDUCT BOARD STRUCTURE

Related Conduct Boards. The Senior Student Affairs Officer may require that Related Conduct Boards be established by the Director of University Housing in conjunction with the Residence Hall Association, and by the Assistant Director of Fraternity & Sorority Life in conjunction with the Interfraternity Council, Collegiate Panhellenic Council, Multicultural Greek Council, and the National Pan-Hellenic Council. The disciplinary procedures under which a Related Conduct Board will function as and must be in conformity with these Disciplinary Procedures and shall not become effective until approved by the Senior Student Affairs Officer. All Related Conduct Boards shall be established in accordance with the following requirements:

1. Composition. Student members of a related conduct board shall be nominated by members of the cognizant student governing or coordinating body and appointed by the Senior Student Affairs Officer. Faculty and staff members of a Related Conduct Board shall be nominated by the cognizant director (University Housing or Greek Affairs) and appointed by the Senior Student Affairs Officer.
2. Term of Office. Members of the related conduct board shall be appointed for a term of one academic year beginning the first day of Fall term classes and extending through the last day of Spring term classes. Each member has the obligation to attend an orientation session to be held before the first case may be heard.
3. Quorum. Each Related conduct board will establish its own rules with respect to the quorum required to conduct a hearing.
4. Staff Adviser. Related Conduct Boards will have staff advisers from the appropriate departments within the Office of Student Affairs.
5. Jurisdiction. Each Related conduct board will have limited original jurisdiction as provided in its disciplinary procedures over alleged violations of the Student Code, University policies and rules of specific student groups, e.g. Residence Halls or Greek sororities and fraternities. The specific jurisdiction and issues relating to interpretation of jurisdiction, of any related conduct board shall be decided by the Senior Student Affairs Officer.
6. Decision. After hearing a case, using the same standard of proof as that used by the Conduct Board, a related conduct board may decide as follows:
  - a. Not Responsible. Misconduct has not been proved; or
  - b. Responsible. Misconduct has been proved. In this case a related conduct board may decide not to impose a disciplinary sanction, if mitigating circumstances warrant that no sanction be imposed, or it may decide to impose one or more of the following disciplinary sanctions:

- i. Warning: A notice in writing to the Respondent that the Respondent is violating or has violated specific designated sections of the Student Code or other applicable rules.
  - ii. Fines: Previously established and published fines may be imposed.
  - iii. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - iv. Conduct Probation: A written reprimand for violation of specific designated sections of the Student Code or other applicable rules. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions, if the Respondent is found to violate the terms of the probation or any provision of the Student Code or applicable rule, during the probationary period.
  - v. Behavioral Requirement: A directive to engage in a certain behavior, such as service or denial of privileges, provided that the sanction does not violate a student's rights, including but not limited to the Americans with Disabilities Act (e.g. required mental health counseling).
7. Appeals. Appeals from decisions of a related conduct board may be made to the University Appeals Board in accordance with Section K of these Disciplinary Procedures.

## **N. DISCIPLINARY RECORDS**

Transcripts of University academic records will not include information concerning disciplinary action, except in cases of expulsion. Information from disciplinary and counseling files will not be made available to unauthorized persons without the express written consent of the person involved, or as otherwise authorized, or required by law. Disciplinary records shall be destroyed seven years after the last sanction was imposed, except in the case of expulsion, where disciplinary records shall be permanently maintained.

## **O. READMISSION AFTER EXPULSION**

Any student who has been expelled from the University under these Disciplinary Procedures may at any time, after seven (7) years from the date of expulsion, request readmission to the University by written petition to the Senior Student Affairs Officer, who will use a reasonable process to make an informed decision.

## **ARTICLE V: INTERPRETATION AND REVISION**

Any question of interpretation or application of the Student Code shall be referred to the Director of Student Conduct and Community Standards or his or her designee for final determination.

Approved by University of Nebraska Board of Regents on June 12, 2015