

# Procedural Rules Relating to Student Discipline

1. **General.** Paragraph 5.4 of the Bylaws of the Board of Regents provides in part as follows: “Each major administrative unit shall adopt, subject to the approval of the Board, rules relating to student discipline and activities.” In accordance with this requirement, the University of Nebraska Medical Center, after consultation with appropriate student representatives, adopts the following rules and guidelines for matters involving student discipline at the Medical Center.
2. **Establishment of College and School Discipline Hearing Boards.** The faculty of each college or school constituting a part of the University of Nebraska Medical Center shall adopt a method for creating a student discipline hearing board. The hearing board shall consist of at least three faculty members and two students. All members including the chair shall have a vote. Since the Dean of the college or school may hear appeals from the hearing board, he or she shall not be eligible to serve as a member of the board. The members of the board shall be selected in such a manner as the faculty of the college or school determine.
3. **Service on Both Discipline Hearing Boards and Faculty-Student Appeals Committees.** No student and no more than two faculty members may serve on both the student discipline hearing board and on the college’s or school’s faculty-student appeals committee which is empowered to hear student appeals involving grades and other solely academic matters.
4. **Report to Chancellor of Membership of Discipline Hearing Board.** Prior to the beginning of each academic year the Dean of each college or school shall advise the Chancellor in writing of the names and addresses of those faculty and student members who constitute the student discipline hearing board for the coming academic year. Changes in the membership of the board during the year shall be promptly communicated to the Chancellor.
5. **Student Misconduct and Hearing Board Jurisdiction.** The student discipline hearing board or its designated hearing officers, as appropriate, shall have jurisdiction over all hearings where a student of the college or school is charged with a violation of law or of University rules or regulations, disruptive or insubordinate behavior, or academic dishonesty, such as cheating or plagiarism. The procedure herein is intended to provide an internal process for the institution of student disciplinary actions with the objective of obtaining all pertinent facts and relevant information concerning the charged student misconduct prior to decision. All proceedings under these Procedural Rules shall be conducted as confidential proceedings and as informally as possible, consistent with the rules set forth herein.
6. **Disqualification to Serve on Hearing Board.** In the event the faculty member proposing the disciplinary action, or the student against whom such action is proposed, is a member of the hearing board, the Dean shall designate another faculty member or student to serve during the period when that particular matter is being discussed.
7. **Initiation of Misconduct Charges, and Hearing and Appeal Procedure.** The procedure for institution charges against students for misconduct and for hearings and appeals relating to the same shall be as follows:
  - a. **Filing Misconduct Charges.** The rules of each college or school shall prescribe what immediate action a faculty member may take in the event a student is suspected of academic dishonesty during the taking of any test or examination. In addition to such immediate action, and in all other cases involving alleged misconduct as generally

defined in paragraph 5 above, the faculty member charging a student with misconduct shall, as soon as reasonably possible after the alleged misconduct occurred, inform the Dean of the college or school in which the student is enrolled, in writing, of (i) the specific charge or charges against the student, (ii) the supporting evidence, and (iii) the disciplinary sanction which the faculty member proposes to impose against the student. Such disciplinary sanction may be any one of the five types listed in subparagraph b. below. A copy of the written communication to the Dean shall promptly be sent by the Dean's office, by certified mail, to the student at the last place of residence as shown on the official records of the University. The student shall also be advised in writing by the Dean's office of his or her right to a hearing as prescribed in these rules.

- b. **Disciplinary Sanctions.** The disciplinary sanctions which may be imposed against a student for misconduct are as follows:
1. **Written Reprimand:** A written warning that behavior is inappropriate and that continuance of that behavior may lead to further disciplinary action.
  2. **Grade Adjustment or Course Failure:** A written notice outlining the grade adjustment or course failure action to be taken and the reasons for this action. If the faculty of a college, school or department have determined that academic dishonesty or other academic misconduct shall automatically result in failure of the course or section of the course or some other academic consequence, students must be informed of this policy in writing either in the catalog or in written materials distributed at the beginning of the course.
  3. **Disciplinary Probation:** A written notice placing the student on probationary status with appropriate behavioral and/or academic responsibilities and requirements, for a specified period of time. If the student repeats the violation, commits other misconduct, or breaches any of the conditions of probation, the student shall become subject immediately to further disciplinary action including possible suspension or expulsion.
  4. **Suspension:** A written notice to the student of involuntary separation from the University for a prescribed period of time. Reinstatement may be subject to certain requirements which may be set either by the Dean or the student discipline hearing board. If these conditions are not met, the Dean shall take further action which may include an extension of the suspension period or expulsion.
  5. **Expulsion.** A written notice of dismissal from the University which includes a prescribed date after which the student may apply for readmission. All dismissals are placed on the permanent record with the date of the action.
- c. **Student Acceptance and Administrative Disposition of Charges and Sanction.** If the student accepts the charge or charges and the disciplinary sanction proposed by the faculty member bringing the same, the student shall inform the Dean in writing of such acceptance within ten (10) working days<sup>1</sup> of receipt of the written notice from the Dean's office specifying the charges and the proposed disciplinary sanction. Upon receipt of the written acceptance from the student, the Dean shall proceed to impose the disciplinary sanction accepted by the student, and the disciplinary proceedings shall be concluded.
- d. **Student Request for Hearing.** If the student disagrees with the charge or charges or with the proposed disciplinary sanction, the student shall first discuss the matter with the faculty member bringing the same. If the student and faculty member reach an agreement satisfactory to both, the faculty member and the student shall jointly so advise the Dean in writing, and the charge or charges and/or sanction may be modified or withdrawn. If the student and faculty member do not reach an agreement satisfactory

to both, the student may, within ten (10) working days of the receipt of the written notice from the Dean's office specifying the charges and the proposed disciplinary sanction, submit in writing a request for a hearing to the Dean. If the student does not submit a written request for a hearing within the time prescribed (or an extension thereof granted by the Dean for good cause shown), the Dean shall proceed to institute the disciplinary sanction proposed.

- e. **Student's Statement with Request for Hearing.** In the written request for a hearing submitted by the student to the chair of the hearing board, the student shall state his or her version of the facts pertinent to the alleged misconduct and the reasons why the student believes the proposed disciplinary sanction is improper or unfair. The student should be as specific as possible.
- f. **Notification to Faculty Member Bringing Misconduct Charge.** Upon receiving the student's written request for a hearing, the chair of the student discipline hearing board shall forward a copy to the faculty member bringing the charge or charges. The chair of the hearing board will request from such faculty member a written statement setting forth his or her version of the facts relating to the alleged misconduct and the reasons he or she believes the proposed disciplinary sanction is fair and appropriate. A copy of this statement shall be promptly furnished to the student. The chair may also request clarification in writing from either the student or faculty member, and any such statements of clarification received by the chair shall be promptly furnished to the student and to the faculty member bringing the charge or charges.
- g. **Hearing, Decision and Appeal Procedure.** The student discipline hearing board shall conduct the hearing requested by the student. The following rules of procedure shall apply:
  1. The student and the faculty member bringing the charge or charges will be given reasonable advance notice of the time and place of the hearing.
  2. The burden of proof shall rest upon the faculty member bringing the charge or charges.
  3. The student, and the faculty member bringing the charge or charges, shall be entitled to testify and to present evidence, to hear all testimony and see all documentary and other physical evidence both against and in favor of the student, and to question witnesses.
  4. The student may be assisted by an advisor at his or her own expense; however, during the hearing any such advisor may only give advice directly to the student, and may not address the hearing board or otherwise participate in the hearing.
  5. It shall not be necessary for the board to observe strict rules of evidence applicable in courts of law in the receipt of evidence. The hearing officer may admit all evidence, that is not unduly prejudicial, of little or no probative value, or unduly repetitious; provided, under no circumstances shall evidence be admitted which would not be admitted in a state court criminal proceeding by reason of the method or manner in which it was acquired. To assure this, the board may provide that legal counsel be present to advise on evidentiary matters.
  6. Any findings of the board shall be based solely on the evidence admitted at the hearing.
  7. The chair shall insure that the student, any faculty member involved, and all other witnesses are treated fairly and that no witness is intimidated or harassed. The

chair shall have authority to recess the proceedings from time to time in the interest of convenience and justice.

8. The chair of the hearing board shall appoint a person, who may or may not be a member of the board, to act as secretary of the board. The secretary shall keep minutes of the board's proceedings and shall also cause a verbatim record of the hearing to be prepared and maintained.<sup>2</sup> The student may also record the hearing at his or her personal expense. The student shall have access to the official record of the hearing upon such reasonable terms as the chair of the hearing board shall prescribe. (The verbatim record of the hearing may be either a tape or digitally recorded record, or a verbatim record prepared by a court reporter as determined by the chair of the hearing board.)
9. Within ten (10) working days after the hearing, the hearing board shall determine whether the disciplinary charges against the student have been proved by the weight of the evidence admitted at the hearing. For the purposes of these Procedural Rules a working day shall mean Monday through Friday, except University holidays.
10. If the hearing board finds by a majority vote of the entire board, taken by secret ballot, that the disciplinary charges have not been proven, the board shall submit its report and conclusions to the Dean, the faculty member bringing the charge or charges, and the student involved. In the case of a tied vote, the charges will be dismissed. Thereupon the charges against the student shall be dismissed by order of the Dean in accordance with the hearing board's report and the matter shall be concluded. If the charges are dismissed, a student who has been suspended from classes shall be reinstated and given reasonable opportunity to make up any academic work missed. In the event the report of the hearing board contains conditions for subsequent behavioral conduct by the student, these shall be communicated to the student and the reinstatement or continued pursuit of academic work shall be subject to such conditions.
11. If the hearing board finds that some or all of the charges against the student have been proven by the weight of the evidence, the board shall likewise submit its report and conclusions to the Dean, the faculty member bringing the charge or charges, and to the student involved. The report shall be accompanied by the decision of the board as to disciplinary sanction to be imposed against the student, and shall include notice to the student of the right of appeal to the Dean. The decision of the hearing board shall be final and the Dean shall proceed to implement the prescribed disciplinary sanction, unless, within ten (10) working days after receipt of the hearing board's decision, the student submits an appeal in writing to the Dean setting forth the reasons the student believes that the findings of the hearing board are in error or that the prescribed disciplinary sanction is unreasonable or unfair.
12. After receiving such appeal, the Dean or an administrator designated by the Dean, shall make such review of the record and of the facts of the case as deemed appropriate and may interview the student and the faculty member bringing the charge or charges. The review shall include factual matters presented to the hearing board as well as matters of procedure and shall also include review of the disciplinary sanction imposed by the board. The Dean or the administrator designated by the Dean may be assisted by legal counsel for the University, if desired. The Dean or the administrator designated by the Dean shall then either affirm, modify, or reverse the decision as he or she deems proper. A more severe sanction than that imposed by the hearing officer may not be imposed, but a less

severe sanction may be ordered. The decision on appeal shall be communicated in writing to the student, to the faculty member bringing the charge or charges, and to the chair of the hearing board. Such decision shall be final unless the student appeals to the Chancellor.

- h. **Attendance of Witnesses.** In all proceedings under these Procedural Rules both the student and the faculty member bringing the charge or charges shall be advised that neither the hearing board nor any hearing officer have subpoena powers and cannot compel the attendance or testimony of witnesses at a hearing. The chair of the hearing board will, however, issue reasonable requests for appearance of witnesses before the board or a hearing officer at the request of either the student or the faculty member bringing the charge or charges.
  - i. **Student's Right to Examine Student Files.** At any time the student shall be entitled to examine all his/her school files.
  - j. **Student's Status While Disciplinary Proceedings are Pending.** In all proceedings under these Procedural Rules the student shall be entitled to maintain status as a student and to attend classes while any charge against the student is pending, unless in the reasonable judgment of the Dean the student's continued presence in classes constitutes immediate harm or the likelihood of immediate harm to the student or to others.
1. **Appeal to the Chancellor.** In the event the findings and conclusions of the Dean on appeal are not acceptable to the student, a further appeal in writing may be submitted to the Chancellor of the Medical Center within ten (10) working days after the receipt by the student of the findings and conclusions of the Dean. The procedures to be followed and the action to be taken by the Chancellor shall conform to those prescribed in the appeal to the Dean. The Chancellor shall not be required to review the matter personally but may delegate such duty to a Vice Chancellor or such other person as the Chancellor may select. The findings of the Chancellor and the determination of the disciplinary action to be taken against the student shall be communicated in writing to the student and to the Dean and no further appeal may be taken therefrom within the University."
  2. The verbatim record of the hearing may be either a tape or digitally recorded record, or a verbatim record prepared by a court reporter as determined by the chair of the hearing board.