



**NEBRASKA WESLEYAN UNIVERSITY
UNIVERSITY COLLEGE
JUDICIAL PROCEDURES**

The *Code of Student Conduct* states in Article IV, “Definitions,” section B, “the term ‘student’ includes all persons enrolled and taking courses at Nebraska Wesleyan University, both full-time and part-time, pursuing undergraduate or graduate studies.” Thus, students enrolled in University College are subject to the *Code of Student Conduct*.

Article II, “Authority for Student Discipline,” states in part, “the chief student life officer has responsibility to recommend to the President of Nebraska Wesleyan University for transmittal to the Board of Governors the approval of policies for the administration of the judicial system, and to develop procedures for the conduct of hearings that are consistent with provisions of the *Code of Student Conduct*. The chief student life officer also has the authority to appoint judicial officers to take disciplinary actions and will determine which judicial body or judicial officer will be authorized to hear each case.” The following procedures have been developed within the context of these statements and any others that are applicable from the *Code of Student Conduct*.

University College Judicial Officer: A faculty or staff member working in University College will be appointed by the chief student life officer to serve in this capacity. In the absence of any Judicial Officer in University College, the chief student life officer will adjudicate any complaints of misconduct filed against any University College student.

The University College Hearing Panel

Purpose: As described in Section III, B of the *Code of Student Conduct*, the University College Hearing Panel reviews conduct, determines responsibility, holds students accountable and imposes sanctions for misconduct as defined in the Nebraska Wesleyan University Code of Student Conduct. Members are appointed by the University College Judicial Officer. The University College Hearing Panel follows procedures described in this Code and also contained in the document entitled ‘University College Judicial Procedures,’ which is approved by the President of Nebraska Wesleyan University and available in the Office of Student Life and the administrative offices of University College.”

Composition: The University College Judicial Officer has the responsibility to configure a hearing panel and ensure that the group has appropriate preparation prior to a hearing. A University College Hearing Panel will have the following membership: one student, one faculty member, one administrator. The University College Judicial Officer will create each year by September 1 a pool of individuals representing each of the three constituent groups, using these methods:

- Students identified by peers or through an application
- Faculty offered an opportunity to apply for the pool
- Administrators offered an opportunity to apply for the pool

A University College Judicial Officer is not eligible to serve as a member of the Hearing Panel.

Adjudication Procedures (Note: See *Code of Student Conduct*, Section VII, Judicial Process, for additional guidelines)

The Judicial Officer will conduct an initial hearing with any student against whom a complaint has been filed. If the Judicial Officer determines that the student is responsible for misconduct, he/she may impose sanctions, with the exception of suspension or expulsion.

The Judicial Officer may also arrange a hearing, subject to the procedures outlined in Section VII of the *Code of Student Conduct*.

Hearing Procedures (Note: See *Code of Student Conduct* for additional guidelines)

The hearing will be facilitated by a Judicial Officer.

A formal record of the hearing will be maintained by audio tape and by a written record maintained by a recorder designated by the Judicial Officer.

The Judicial Officer will announce the decision in writing to the respondent within 3 days of the end of the hearing. All correspondence will be handled by certified mail, return receipt requested.

After the decision has been made by the Hearing Panel, the Judicial Officer will refer any actions relating to sanctions to the appropriate University faculty or staff member.

A complete record of the decision and the official record of the hearing will be kept in locked files in the University College Office, subject to the guidelines outlined in the *Code of Student Conduct*.

Any respondent may file an appeal with the Judicial Appellate Panel, using guidelines outlined in the *Code of Student Conduct*, Section IX. The Judicial Officer shall notify the Hearing Panel of any appeal that is filed. The Judicial Officer shall also notify members of the finding in the appeal.

The University College Judicial Officer may, in consultation with the chief student life officer, amend these procedures as necessary. The amended procedures must be approved by the President of the University.

Implementation of Procedural Protections

All disciplinary letters relating to complaints filed with the University College Judicial Officer will include a statement referring to the procedural protections as outlined in the *Code of Student Conduct*, Section VII, K.

Students will have 2 days from receipt of written notification of sanctions to request a hearing.

The complainant shall have the right to attend the hearing.

The respondent and the complainant shall be entitled to question each other. The Hearing Panel may also question the complainant, the respondent, the Judicial Officer, or any witnesses.

The respondent shall be referred to the *Code of Student Conduct* regarding judicial procedures and sanctions.

The respondent or complainant has the right to appeal the decision of the Hearing Panel or the Judicial Officer as specified in Section IX of the *Code of Student Conduct*. Such appeals shall be in writing and shall be delivered to the University College Judicial Officer within 5 days of receipt of the notice of the decision of the University College Hearing Panel.

All judicial correspondence will be distributed through the University College. The University College Office will use certified mail, return receipt requested, for all correspondence to complaints and respondents.