

LEGISLATIVE BILL 445

Approved by the Governor April 5, 1971

Introduced by C. W. Holmquist, 16th District

AN ACT relating to higher education; to provide for the dismissal of any faculty or staff member or the expulsion of any student engaging in certain activities disruptive of any public institution of higher education; to provide for hearings; to provide procedures; to provide for rules and regulations; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. It shall be grounds for the dismissal of any member of the faculty or administrative staff employed by, or the expulsion of any student attending, any public institution of higher education in this state to use or assist others in any way in the use of force or to counsel, recommend, or urge the use of force or the threat of force or the seizure of property under the control of such institution, or by any act or action not sanctioned by law to prevent the faculty, administrative officers, employees or students in such institution from engaging in their normal duties in connection with the operation of the institution or pursuing their studies at such institution.

Sec. 2. No person shall be dismissed or expelled under the provisions of section 1 of this act until he has been accorded a public hearing under rules and regulations for the administration of this act established by the governing body of the institution. Notice of such hearing and a formal written statement of the charges against him shall be served by either registered or certified mail, sent to his current address as shown on the records of the institution, at least twenty days before the date set for hearing. He shall be entitled to file a written response to such charges, to be present in person and by counsel at the hearing, and to testify and produce other witnesses on his behalf.

Sec. 3. Dismissal or expulsion of any person under the provisions of section 1 of this act shall be by written order, which shall contain findings of fact upon which dismissal or expulsion is based, and shall be signed by an authorized agent of the governing body. The order shall be entered within thirty days after the

hearing, shall state its effective date, and shall be served by either registered or certified mail, return receipt requested, sent to his current address as shown on the records of the institution.

Sec. 4. The governing body of each public institution of higher education in this state shall adopt rules and regulations for the administration of the provisions of this act.

Sec. 5. As used in this act, dismissal shall not include the failure to renew a probationary appointment of any faculty member or administrative staff member.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.