

Discrimination And Sexual Harassment

What Can I Do If I Have Been Discriminated Against?

If you feel you have been a victim of discrimination based on race, color, gender, creed, religion, national origin, disability, age, sexual preference or marital status, you may want to discuss the legal avenues available. Contact Student Legal Services, a private attorney or one of the following sources:

Equity, Access and Diversity Programs
UNL Campus
128 Administration Building
(402) 472-3417

Nebraska Equal Opportunity Commission
5th Floor, 301 Centennial Mall South
Lincoln, NE
(402) 471-2024
Investigates charges of alleged discrimination

Federal Equal Opportunity Commission
1222 Spruce Ave, Rm. # 8.100
St. Louis, MO 63103

Lincoln Commission on Human Rights
440 S. 8th Street, Suite 101
Lincoln, NE 68508

It is a good idea to keep a private record of the dates and events that form the basis of your charge and the names of the people involved, whether they are perpetrators or witnesses. This record will help you explain to the attorney exactly what has been going on and may be very useful if a court action results.

Do not delay in seeking legal advice. In some instances discrimination complaints must be filed within 180 days of the discriminatory act.

Student Discipline

What Is The Student Code Of Conduct?

The University of Nebraska Student Code of Conduct outlines the rights and responsibilities students have as members of the university community. The purpose of the Code is to set forth the rules of conduct required of all UNL students and to ensure the right to due process and counsel for a student accused of misconduct. It also protects the rights of the university community by providing for appropriate sanctions when violations occur. You can obtain a copy of the UNL Student Code of Conduct by contacting Student Judicial Affairs at (402) 472-2021, 106 ADM, or go to the web site at <http://unl.edu/sja>.

What Is An Administrative Disposition?

If you are accused of misconduct under the Code you will receive a letter from the Judicial Affairs Office advising you to schedule a meeting with the Director or an assistant. If you ignore the letter and fail to schedule an appointment the University will put a hold on your school registration or grades or refer the matter to the Judicial Board.

Some cases of misconduct are addressed at a meeting between the student and the Director of Judicial Affairs. After talking with the student about the alleged misconduct and reviewing documents such as police reports the Director may offer the student an administrative disposition of his case. An administrative disposition may include sanctions ranging from a warning to suspension or expulsion from school. A sanction might include probation with requirements such as taking an alcohol education class or completing community service hours. The student has the choice of accepting or rejecting an offer of an administrative disposition. If the student rejects the offer, the case will be referred to the Judicial Board for a hearing. Cases of alleged misconduct that are considered more serious are not handled by an administrative disposition but are referred directly to the Judicial Board for a full hearing.

If you believe the accusations against you are serious you should consult an attorney before scheduling a meeting with the Director. You may even want to bring your attorney with you to the meeting. Although Student Legal Services attorneys will meet with a student to outline the process and discuss options, SLS attorneys do not meet with the Director or represent students before the Judicial Board.

What Are My Rights At A Judicial Board Hearing?

The Board, composed of students and faculty members, hears cases of alleged misconduct and determines which sanctions are appropriate if a violation is found. If you are required to appear before the Judicial Board you are entitled to certain rights although these rights are more limited than those guaranteed in the criminal justice system:

1. *Closed Hearing.* Judicial Board hearings are closed to the public in order to comply with the requirements of the Federal Family Educational Rights and Privacy Act.
2. *Confidential Files.* Disciplinary files are confidential and may not be released without the written permission of the individual student or as otherwise authorized or required by law.
3. *Right to Legal Counsel.* A student appearing before the Judicial Board has a right to have an attorney present at all times. However the right to an attorney is not the same as in a court of law. The student must speak on her own behalf and the legal counsel may not speak at the hearings but may advise the student during any proceeding.
4. *Due Process.* Students are entitled to timely notice of the charges against them and of the time and place of all hearings. Students have the right to call witnesses and to ask questions during a hearing. Students have the right to remain silent during the hearing and do not have to answer questions asked by the board members.
5. *Appeal.* A student that has been found to be in violation of the Student Code of Conduct has the right to appeal the decision of the Judicial Board to the University Appeals Board. The Student Code of Conduct outlines the steps required to appeal.

STUDENT GRIEVANCE AND APPEAL PROCEDURES CHART

The following section lists various possible student concerns and grievances along with the appropriate process for appeal.

Concern	Appeal Procedure
Grade Appeal	Instructor If dissatisfied see: 1. Department chairperson or 2. Request a meeting with the Department/College Grade Appeals Board
Parking Ticket Appeal	Parking Appeals Board c/o UNL Parking Transit 625 Stadium Drive, Suite A
Student Organization Grievance	Student Court c/o ASUN 136 Nebraska Union
University Judicial Board Decision	University Appeals Board c/o Director of Student Judicial Affairs 106 Administration Building
Student Employment Grievance or Student Work-Study Grievance	Ombudsperson 106 Administration Building (402) 472-2021
Administrative Disciplinary Decision (Office of Student Judicial Affairs)	University Judicial Board c/o Director of Student Judicial Affairs 106 Administration Building
Administrative Disciplinary Decision (Division of Housing)	Assistant Director of Housing for Residential Education 1115 N. 16th Street (402) 472-3561
Affirmative Action Grievance (Sexual Harassment, Discrimination, etc.)	Equity Access & Diversity Programs 128 Administration Building (402) 472-3417
Personal Grievance Concerning UNL students	Ombudsperson 106 Administration Building (402) 472-2021
Personal Grievance Concerning UNL faculty & staff	Personnel—Department of Human Resources 407 Administration Building
Conduct of a Staff Member, Administrator, or Faculty Member	Immediate Supervisor (Director, Chairperson, or Dean)
Law Enforcement Grievance (University Police Department)	University Police Department or ASUN c/o Chief of Police (402) 472-2581 300 N. 17th Street (402) 472-3555
Law Enforcement Grievance (Lincoln Police Department)	Citizen Police Advisory Board Mayor's Office 555 S.10 th St., Room 208 Lincoln, NE 68508 (402) 441-7511

Student Privacy Issues

Do I have the right as a college student to access the University's files on me?

Yes. The Family Education Rights and Privacy Act of 1974 (FERPA) guarantees college students the right to access educational records. FERPA is also referred to as the Buckley Amendment because it was sponsored by Senator James Buckley of New York.

FERPA applies to any public or private agency or institution receiving federal funding.

FERPA allows students pursuing postsecondary education or students who are above 18 years of age the right to access their education records, the ability to get their education records amended, and some control over the disclosure of their information from the records.

FERPA covers all "education records" maintained by an educational institution.

FERPA requires prior written consent to be given in order to disclose records to someone else.

For more general information on this law, check out The Department of Education's website at www.ed.gov.

What are "education records"?

Any records maintained by an educational institute with information personally identifying you as an individual are defined as education records. In other words, these records directly relate to you as a student. Education Records do not include law enforcement, doctor-patient and alumni records. FERPA is not violated by the posting of directory information. You can request that your directory information not be published.

What Is Directory Information?

Your name, address, telephone number, date and place of birth; you major field of study, participation in an officially recognized activity or sport and your weight and height if you are on an athletic team; you dates of attendance at the school, the degrees and awards you have received and the previous educational institution that you attended.

Are there any exceptions to FERPA?

Yes. Education records are generally only released by written consent, but there are exceptions. Some of the major exceptions are:

- Authorized auditors from state and federal programs. For example, The Department of Education, the United States' Attorney General's Office and educational authorities from the State of Nebraska.
- Personnel from the University with a legitimate educational interest.
- Person(s) providing financial aid to you.
- In emergency situations, information can be given out if necessary to protect a student or another student's health or safety.
- To read other exceptions, go to <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

Are my parents prevented from accessing my education records under FERPA?

Not necessarily. If your parents establish that you are their dependent as defined by the Internal Revenue Code of 1986, § 152, then your parent can access your records at the University's discretion. The IRS Code states a dependant is someone (such as a son or a daughter) who received over half of his/her support during the taxable calendar year. The law is available at <http://www.law.cornell.edu/uscode/search/index.html>.

How does FERPA affect the University's policies?

The University is obligated to inform students annually of their rights under FERPA. The University informs students of its records policy through the student handbook. The handbook is accessible on the web at <http://www.unl.edu/sja/student-record-policy>.

Where Are Student Records Located At UNL?

Students' UNL records include a cumulative academic folder in the Office of Registration and Records. This folder may also be held by some college offices, faculty advisers or academic departments—depending on your major. If needed, a confidential file is kept in the Division of University Housing, the Office of Greek Affairs, or the Office of the Vice Chancellor of Student Affairs. The file's location depends on the circumstances of your behavior and/or the disciplinary action(s) taken against you. UNL may have other personal student files in the Career Planning and Placement Center, the Office of Scholarships and Financial Aid, or the Office of Student Accounts.

Who Has Access To My Files?

All faculty and staff in the office where your academic information is kept can access your files. Typically, only staff in the office in which you had a disciplinary issue can access your behavioral information.

Who Cannot Access My Files?

No person or agency outside the University can access your information without your written consent.

What If I Think The Law Is Not Being Followed By The University?

The United States Department of Education has an office and review board for investigating and reviewing complaints of FERPA violations. If the Secretary of the Department finds the school has failed to comply with FERPA action may be taken to terminate financial assistance from the federal government to the institution. If you have a complaint you are required to file the alleged violation within 180 days from its occurrence. Send the complaint to: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington D.C., 20202-5920.

Students must have reasonable cause for making the allegation. You should write the complaint with factual and specific allegations for why you believe a violation occurred. This includes:

- Relevant dates (e.g., the date you learned of the violation)
- Names of those involved (e.g., school officials, campus police)
- Detailed description of the education record involved and of any contact had with school officials about the matter (e.g., dates and times of telephone calls, copies of correspondence with the school)
- Name and address of the school
- Any other information that would be helpful in evaluating your complaint.

For more information on how to allege a complaint about a FERPA violation, see

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/students.html>.

If I Get In Trouble On Campus Will My Parents Find Out?

Records of campus disciplinary proceedings are also protected under FERPA and cannot be disclosed without your written consent. As stated earlier, if you are dependent on your parents for tax purposes then your parents can also access your disciplinary information. Other disciplinary exceptions are:

Alcohol Amendment: In 1998, FERPA was amended in order to allow colleges to disclose to parents a son/daughter's use or possession of alcohol or controlled substance. A student's consent is not necessary for this disclosure to be made and the student must be under 21 at the time of disclosure; and

Victims of Crimes: Victims of violent crimes and sexual assaults are able to access information regarding the disciplinary sanctions given to an alleged attacker without the attacker's consent.

How Can I Access My Personal Files At The University?

The student handbook allows students to access personal files by contacting the chief supervisor of the particular department where the records are stored. The supervisor will explain the steps you need to take to access your files, along with the costs involved if copies are requested. In addition, WAM! (What about Me) offers your grades, financial and registration information to you, but you need your student I.D. and password.

How Can I Allow My Parents To See My Grades?

WAM! has instructions on how to grant parental access to its site at <https://frontier-s3q.unl.edu/wam/login.jsp>.

Does The State Of Nebraska Have Any Laws On This Subject?

Yes. The state of Nebraska has a set of laws on maintaining records. The state cannot make a law directly or indirectly violating FERPA. Nebraska's records statute is available at http://www.ago.state.ne.us/content/records_statutes.html.