

**ASSEMBLY, No. 325**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman JOE DANIELSEN**

**District 17 (Middlesex and Somerset)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**SYNOPSIS**

Establishes position of Ombudsman of Student Discipline to serve within Office of the Secretary of Higher Education.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 3/1/2021)**

1 **AN ACT** concerning the discipline of students enrolled in  
 2 institutions of higher education and supplementing chapter 3B of  
 3 Title 18A of the New Jersey Statutes.

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 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 6 *of New Jersey:*

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 8 1. a. The Secretary of Higher Education shall appoint an  
 9 Ombudsman of Student Discipline to serve within the Office of the  
 10 Secretary. The ombudsman shall ensure that a student who is  
 11 subject to the disciplinary process established by the institution of  
 12 higher education in which the student is enrolled receives fair and  
 13 impartial treatment throughout the course of that process.

14 The ombudsman shall:

15 (1) accept and review requests from students enrolled in  
 16 institutions of higher education in the State who are seeking  
 17 information and assistance during the disciplinary process,  
 18 including any disciplinary hearing, or a request for a review of a  
 19 recently completed disciplinary hearing. The ombudsman shall  
 20 give priority to requests on matters which may be time-sensitive, or  
 21 which may result in a financial or academic loss to the student  
 22 including, but not limited to, the student's suspension or dismissal  
 23 from an academic program or institution or the student's  
 24 disqualification from a prospective academic program or institution;

25 (2) conduct further investigation, as warranted, into select  
 26 student requests to examine the nature of the student's alleged  
 27 violation that is the subject of the disciplinary process, the manner  
 28 in which the disciplinary process is conducted, and, if the process  
 29 has been completed, the determination of the disciplinary board and  
 30 the sanctions imposed on the student; and

31 (3) submit a report of findings to the student, the institution's  
 32 disciplinary board, and the governing board of the institution of  
 33 higher education.

34 b. The institution shall notify the ombudsman as to whether or  
 35 not it will modify the disciplinary process or the penalties imposed  
 36 on the student in the event that the report of the ombudsman finds  
 37 that:

38 (1) the institution's student code of conduct lacked adequate  
 39 clarity and guidance for students, or that the institution did not  
 40 provide adequate tools for students to protect themselves against  
 41 potential violations of the student code of conduct;

42 (2) the institution did not provide adequate due process  
 43 protections for the student; or

44 (3) the penalties imposed on the student were unduly harsh.

45 c. The ombudsman shall publish a list of those institutions that  
 46 agree to accept and respond to the findings of the ombudsman and  
 47 those that do not agree.

1       2. This act shall take effect on the 90th day after the date of  
2 enactment.

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#### STATEMENT

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7       This bill directs the Secretary of Higher Education to appoint an  
8 Ombudsman of Student Discipline to serve within the Office of the  
9 Secretary. The purpose of the ombudsman is to ensure that a  
10 student who is subject to the disciplinary process established by the  
11 institution of higher education in which the student is enrolled  
12 receives fair and impartial treatment throughout the course of that  
13 process.

14       Under the bill, the ombudsman will accept and review requests  
15 from students enrolled in institutions of higher education in the  
16 State who are seeking information and assistance during the  
17 disciplinary process, including any disciplinary hearing, or a request  
18 for a review of a recently completed disciplinary hearing. The  
19 ombudsman will give priority to requests on matters which may be  
20 time-sensitive, or which may result in a financial or academic loss  
21 to the student including, but not limited to, the student's suspension  
22 or dismissal from an academic program or institution or the  
23 student's disqualification from a prospective academic program or  
24 institution. The ombudsman will conduct further investigation, as  
25 warranted, into select student requests to examine the nature of the  
26 student's alleged violation that is the subject of the disciplinary  
27 process, the manner in which the disciplinary process is conducted,  
28 and, if the process has been completed, the determination of the  
29 disciplinary board and the sanctions imposed on the student. The  
30 ombudsman will then submit a report of findings to the student, the  
31 institution's disciplinary board, and the governing board of the  
32 institution of higher education.

33       The institution must notify the ombudsman as to whether or not  
34 it will modify the disciplinary process or the penalties imposed on  
35 the student in the event that the report of the ombudsman finds that:

36       (1) the institution's student code of conduct lacked adequate  
37 clarity and guidance for students, or that the institution did not  
38 provide adequate tools for students to protect themselves against  
39 potential violations of the student code of conduct;

40       (2) the institution did not provide adequate due process  
41 protections for the student; or

42       (3) the penalties imposed on the student were unduly harsh.

43       Finally, the ombudsman is required to publish a list of those  
44 institutions that agree to accept and respond to the findings of the  
45 ombudsman and those that do not agree.