

HB 510-FN - AS INTRODUCED

2025 SESSION

25-0592

09/02

HOUSE BILL

510-FN

AN ACT relative to establishing certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning.

SPONSORS: Rep. Lynn, Rock. 17; Rep. Cordelli, Carr. 7; Rep. Popovici-Muller, Rock. 17; Rep. Thibault, Merr. 25; Sen. Lang, Dist 2; Sen. Murphy, Dist 16

COMMITTEE: Education Funding

ANALYSIS

This bill establishes for students, student organizations, and faculty members of publicly funded New Hampshire colleges and universities the right to certain due process protections when disciplinary proceedings are brought against them by such institutions, and addresses the provisions' applicability to collective bargaining agreements.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

In the Year of Our Lord Two Thousand Twenty Five

Be it Enacted by the Senate and House of Representatives in General Court convened:

V. “Student organization” means an organization or group of students who share similar interests or activities and which is recognized or approved by, or has sought recognition or approval from, a public institution of higher education.

1 188-K:3 Due Process Rights Established.

2 I. In all disciplinary proceedings against a student, student organization, or faculty member,
3 the student, student organization, or faculty member shall be entitled to a hearing under published
4 procedures that include, at a minimum, all of the following:

5 (a) The right to receive written notice at least 7 days prior to the hearing of the
6 allegations upon which the proceeding is based, and the specific provisions of law, rule, regulation, or
7 code of conduct that allegedly were violated.

8 (b) The right to receive at least 5 days before the hearing a listing of all known witnesses
9 who have provided or will provide evidence or information against the student, student organization,
10 or faculty member, as well as copies of all written documents, statements of witnesses, photographs,
11 electronic data, tangible evidence, and all other relevant inculpatory or exculpatory information.

12 (c) The right to the presumption that no violation occurred. This presumption may be
13 overcome only if the public institution of higher education establishes by a preponderance of the
14 evidence that the violation alleged was committed by the student, student organization, or faculty
15 member charged.

16 (d) The right against self-incrimination, provided, however, that invocation of this right
17 may afford a basis for the decision-maker to draw an adverse inference against the person who does
18 so.

19 (e) The right to confront and cross-examine witnesses who provide evidence against the
20 student, student organization, or faculty member.

21 (f) The right to present a defense and call witnesses in support of the defense.

22 (g) The right to an impartial hearing officer or panel.

23 (h) The right to have the assistance of an advisor, advocate, or legal representative, at
24 the student's, student organization's, or faculty member's own expense, who shall be allowed to be
25 present at and directly participate in all aspects of the proceeding. Such advisor, advocate, or legal
26 representative shall not serve in any other role in connection with the proceeding, including as
27 investigator, witness, decider of fact, hearings officer, panel member, decider of an appeal, or advisor
28 to any of the foregoing.

29 (i) The right to have a verbatim record of the hearing made and preserved for use in the
30 event there is an appeal.

31 (j) The right to appeal a final adverse decision to the vice president of student affairs or
32 equivalent official or body specifically designated by the institution to hear such appeals. The person
33 or persons comprising the appeal tribunal shall not have directly participated in any other aspect of
34 the proceeding in question.

35 II. The procedural rights, including the hearing, specified in paragraph I shall be afforded to
36 a student, student organization, or faculty member prior to the imposition of any discipline, provided
37 however that, in cases where the public institution of higher education can show a substantial

1 likelihood of an imminent threat of physical injury to any person or significant damage to property
2 before a hearing can be held, the institution may immediately take such actions as are necessary to
3 prevent or ameliorate the threat and shall thereupon hold the hearing as soon as reasonably
4 practicable after it has taken such actions.

5 III. A student, student organization, or faculty member may waive any or all of the rights
6 specified in paragraph I, provided that such waiver is made knowingly, intelligently, and voluntarily.

7 188-K:4 Rules and Regulations of Public Institutions of Higher Education. Any New Hampshire
8 public institution of higher education may adopt rules, regulations, policies, or procedures that
9 afford students, student organizations, or faculty members more due process protections than those
10 provided in this chapter, but no such institution shall adopt or utilize any rules, regulations, policies,
11 or procedures that afford students, student organizations, or faculty members facing a disciplinary
12 proceeding less protections than those afforded them herein.

13 188-K:5 Applicability of Chapter to Existing Collective Bargaining Agreements. If the rights
14 afforded to faculty members under this chapter conflict with grievance or disciplinary procedures
15 established under a valid collective bargaining agreement between a public institution of higher
16 education and a union representing faculty members of such institution that is in effect when this
17 chapter becomes effective, the grievance or disciplinary procedures provided for in the collective
18 bargaining agreement rather than those provided by this chapter shall apply to any disciplinary
19 proceedings brought against faculty members covered by the collective bargaining agreement while
20 the agreement remains in effect. After the expiration of said collective bargaining agreement, the
21 provisions of this chapter shall apply to any new disciplinary proceedings commenced against faculty
22 members represented by the union. From and after the effective date of this chapter, no public
23 institution of higher education and no union representing faculty members of such institution shall
24 enter into any new collective bargaining agreement, nor extend the expiration date of an existing
25 collective bargaining agreement, which contains grievance or disciplinary procedures less protective
26 of faculty members' due process rights than those established by this chapter.

27 2 Effective Date. This act shall take effect July 1, 2026.

HB 510-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to establishing certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures*	\$0	Indeterminable	<u>CCSNH</u> \$100K to \$500K Per Year	
			<u>USNH</u> \$500K or More Per Year	
Funding Source(s)	CCSNH and USNH Operating Costs			
Appropriations*	\$0	\$0	\$0	\$0
Funding Source(s)	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill, effective July 1, 2026 (FY 2027), establishes for students, student organizations, and faculty members of the Community College System of New Hampshire (CCSNH) and the University System of New Hampshire (USNH), the right to certain due process protections when disciplinary proceedings are brought against them by such institutions and addresses the provisions' applicability to collective bargaining agreements.

Community College System of New Hampshire (CCSNH)

The Community College System of New Hampshire (CCSNH) states that while many due process protections are like those presently in place within CCSNH, certain elements of the bill, including the structure of the formal hearings it describes, differ in part from current practices. The bill replaces the current grievance and arbitration process with the bill's own requirements for the hearing process, which will impose additional costs on the institutions. CCSNH adds that the bill invalidates provisions in faculty collective bargaining agreements (CBA) upon their expiration and replaces them with the bill's provisions. CBA provisions for staff would remain in force and the colleges would be following two separate sets of practices for the different

employee groups. Also, CCSNH states that provisions of this bill conflict with Title IX of the Education Amendments of 1972, creating costs to obtain legal advice and/or defend the institution in instances where legal and regulatory requirements conflict. The following are areas to which CCSNH expects an increase to its operational costs:

- Legal review of the provisions of this bill alongside requirements contained in other laws and regulations such as NH RSA 188-H, Title IX of the Education Amendments of 1972, and the Violence Against Women Act.
- Re-writing of existing policies and for training.
- Labor relations review of CBA processes that would need to be changed and institutionalized.
- Staff training
- Legal services related to formal hearings
- The addition of up to two (2) FTE administrators to serve as dedicated staff/conduct officers to determine when certain matters trigger the requirements of the bill, manage the process, coordinate the hearings and ensure compliance.

While the costs are indeterminable, CCSNH estimates in total they could range from \$0 to \$100,000 in FY 2026, and from \$100,000 to \$500,000, in FY 2027 and each year thereafter.

University System of New Hampshire (USNH)

The University System of New Hampshire (USNH) states this bill's fiscal impact is indeterminable, however expected to be significant (\$500,000 or more per year). This range is based on a component office (Community Standards) of the University of New Hampshire (UNH) that produced an estimate of \$215,000 per year to support the salaries and benefits of three (3) additional staff to manage increased workload in that office to support statutory compliance. The estimate is based on disciplinary actions that currently may be adjudicated without a formal panel hearing. USNH states that adding expenses for other UNH disciplinary areas and other USNH campuses for additional staff to manage increased training and investigation activities and expanded volunteer management for the additional panel hearings, a conservative estimate is \$500,000 in increased USNH expense annually. Depending on the timing of bill's passage, USNH states that in conjunction with preparation for the 2026-2027 academic year, some expense could be incurred in FY 2026.

AGENCIES CONTACTED:

Community College System of New Hampshire and University System of New Hampshire