

Amendment to HB 1288-FN

1 Amend RSA 188-J:2 as inserted by section 1 of the bill by replacing it with the following:

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3 188-J:2 Definitions. In this chapter:

4 I. "Disciplinary proceeding" means an action or proceeding instituted against a student,
5 student organization, or faculty member of a public institution of higher education that could result
6 in the student or faculty member being suspended, expelled, or terminated, or result in a student
7 organization being deprived, either temporarily or permanently, of any of the rights or privileges
8 accorded to other student organizations duly recognized or approved by the institution.

9 II. "Criminal allegation" means any allegation of wrongdoing of a nature that would
10 constitute a criminal offense under New Hampshire law, regardless of whether such an offense also
11 constitutes a breach of rules promulgated by the institution of higher education.

12 III. "Faculty member" means a full- or part-time member of the faculty of a public
13 institution of higher education.

14 IV. "Public institution of higher education" means a post-secondary institution of higher
15 education publicly funded by the state of New Hampshire, including all component colleges and
16 universities of the university system of New Hampshire and all component colleges of the
17 community college system of New Hampshire.

18 V. "Student" means a person who is enrolled either full- or part-time in a course of study at
19 a public institution of higher education.

20 VI. "Student organization" means an organization or group of students who share similar
21 interests or activities and which is recognized or approved by, or has sought recognition or approval
22 from, a public institution of higher education which remains in the process of adjudication or appeal.

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24 Amend RSA 188-J:3, I(d) as inserted by section 1 of the bill by replacing it with the following:

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26 (d) The right against self-incrimination, and that invocation of this right may not afford
27 a basis for the decision-maker to draw an adverse inference against the person who does so.

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29 Amend RSA 188-J:3 as inserted by section 1 of the bill by inserting after paragraph III the following
30 new paragraph:

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1 IV. In matters concerning a criminal allegation brought before any New Hampshire court,
2 the findings of any postsecondary institution disciplinary proceeding shall not be admissible as
3 evidence. Where criminal charges have been brought against any student, or where a protective
4 order exists, a postsecondary institution may not proceed with its own disciplinary proceedings based
5 on the same allegations until such a time that the criminal charges have been adjudicated by the
6 courts. During such a period while criminal charges are in adjudication by the courts, or a protective
7 order is in place, temporary disciplinary actions may be taken by the college pending final resolution
8 of the criminal proceedings.