

House Study Bill 539 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON HIGHER
EDUCATION BILL BY CHAIRPERSON
COLLINS)

A BILL FOR

- 1 An Act providing for a due process policy for faculty, staff, and
2 students at regents institutions and for related disciplinary
3 matters, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. SHORT TITLE. This Act shall be known and may be
2 cited as the "Campus Due Process Act".

3 Sec. 2. NEW SECTION. **262C.1 Definitions.**

4 As used in this chapter, unless the context otherwise
5 requires:

6 1. "Board" means the state board of regents.

7 2. "Institution" means an institution of higher education
8 governed by the board.

9 Sec. 3. NEW SECTION. **262C.2 Due process policy.**

10 The board shall develop and adopt a due process policy that
11 provides, at minimum, all of the following:

12 1. Each institution must affirm and guarantee to all faculty,
13 staff, and students subject to the institution's disciplinary
14 procedures all the constitutional rights of due process, with
15 exceptions only accorded if necessary to achieve a significant
16 institutional interest, and if such exceptions are clear, in
17 writing, and justified by a written explanation.

18 2. Each institution must affirm and guarantee that the
19 institution will establish adjudication procedures for faculty,
20 staff, and students with strict adherence to due process
21 protections including but not limited to all of the following:

22 a. The presumption of innocence.

23 b. The right to have relevant facts and charges proved by
24 clear and convincing evidence.

25 c. The right to counsel.

26 d. The right to be told when a spoken conversation pertains
27 to a disciplinary process.

28 e. The right to record all spoken conversations pertaining to
29 a disciplinary process.

30 f. The right to know the charges of which one is accused.

31 g. The right to know of all existing allegations received by
32 college administrators.

33 h. The right to access all evidence including exculpatory
34 evidence.

35 i. The right to clearly and precisely worded definitions of

1 misconduct that follow those used in statutes, administrative
2 rules, or the Iowa court rules, as applicable.

3 j. The right to clearly defined statutes of limitations.

4 k. The right to live hearings where both accusers and
5 witnesses can be questioned and cross-examined.

6 l. The right to speak publicly about any case.

7 m. Protection against double jeopardy for the same charge.

8 3. Each institution must refer all reported actions
9 punishable as a felony immediately to a local law enforcement
10 agency.

11 4. Each institution must require an employee deemed a Title
12 IX responsible employee to have been employed for at least five
13 years in a job where at least fifty percent of hours worked
14 consisted of criminal defense and to have substantial courtroom
15 experience.

16 Sec. 4. NEW SECTION. **262C.3 Discipline for interference**
17 **with due process rights.**

18 Each institution shall implement a range of disciplinary
19 sanctions for a person under its jurisdiction who substantially
20 interferes with the due process rights of other persons, as
21 described in this chapter.

22 Sec. 5. NEW SECTION. **262C.4 Public information on due**
23 **process protections and violations.**

24 1. Each institution shall inform all students and employees
25 of the protections afforded to them under this chapter and of the
26 policies the institution has developed and adopted to implement
27 this chapter. The institution shall post this information
28 prominently on its internet site, include this information in
29 materials given to new employees, and provide this information to
30 each student during new student orientation.

31 2. Each institution shall post prominently on its internet
32 site, and submit to the board, an annual report of all violations
33 of due process rights described in this chapter committed by a
34 person under the institution's jurisdiction and of all consequent
35 disciplinary sanctions.

1 3. The information posted on an institution's internet
2 site required by this section must be accessible from the
3 institution's internet site home page by use of no more than
4 three links; searchable by keywords and phrases; and accessible
5 to the public without requiring registration or use of a user
6 name, a password, or another user identification.

7 Sec. 6. EFFECTIVE DATE. This Act takes effect December 31,
8 2026.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill requires the state board of regents to develop and
13 adopt a due process policy applicable to faculty, staff, and
14 students at regents institutions.

15 The policy must require each institution to affirm and
16 guarantee to all faculty, staff, and students subject to its
17 disciplinary procedures all the constitutional rights of due
18 process with limited exceptions as specified in the bill.

19 In addition, the policy must require each institution
20 to affirm and guarantee that it will establish adjudication
21 procedures for faculty, staff, and students with strict adherence
22 to due process protections. The bill specifies minimum required
23 due process protections.

24 The policy must also require each institution to refer all
25 reported actions punishable as a felony immediately to a local
26 law enforcement agency.

27 The policy must further require each institution to require
28 an employee deemed a Title IX responsible employee to have been
29 employed for at least five years in a job where at least 50
30 percent of hours worked consisted of criminal defense and to have
31 substantial courtroom experience.

32 The bill requires each institution to implement a range of
33 disciplinary sanctions for a person under its jurisdiction who
34 substantially interferes with the due process rights of others.

35 The bill requires each institution to inform all students and

1 employees of the protections afforded to them under the bill
2 and of the policies it has developed and adopted to implement
3 the bill. The bill also requires each institution to post
4 this information prominently on its internet site, include this
5 information in materials given to new employees, and provide this
6 information to each student during new student orientation.

7 The bill requires each institution to post prominently on
8 its internet site, and submit to the board, an annual report
9 of all violations of due process rights described in the bill
10 committed by a person under the institution's jurisdiction and of
11 all consequent disciplinary sanctions.

12 The bill takes effect December 31, 2026.

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