

Introduced by

Senators Holmberg, Armstrong, Casper

Representatives Delmore, M. Johnson, Larson

1 A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota  
2 Century Code, relating to student and student organization disciplinary proceedings at  
3 institutions under the control of the state board of higher education.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Disciplinary proceedings - Right to counsel for students and organizations - Appeals.**

8 1. Any student enrolled at an institution under the control of the state board of higher  
9 education has the right to be represented, at the student's expense, by an attorney or  
10 a nonattorney advocate, who may fully participate during any disciplinary proceeding  
11 or during any other procedure adopted and used by that institution to address an  
12 alleged violation. A student does not have the right to be represented by an attorney or  
13 nonattorney advocate if the allegation pertains to academic dishonesty, as defined by  
14 the institution.

15 2. Any student organization officially recognized by an institution under the control of the  
16 state board of higher education has the right to be represented, at the student  
17 organization's expense, by an attorney or nonattorney advocate who may fully  
18 participate during any disciplinary procedure or during any other procedure adopted  
19 and used by the institution to address an alleged violation.

20 3. a. Any student who is suspended for more than ten days or expelled from an  
21 institution under the control of the state board of higher education for a violation  
22 of the disciplinary or conduct rules of that institution and any student organization  
23 that is found to be in violation of the disciplinary or conduct rules of that institution

- 1                   may seek a review of the institution's decision in the district court for the  
2                   jurisdiction in which the institution is located.
- 3           b.   The student or a student organization must file a petition for review with the  
4                   appropriate district court no later than one year after the day that the cause of  
5                   action accrues. For purposes of calculating the one-year limitation, the cause of  
6                   action is deemed accrued on the date that the student or the student organization  
7                   receives final notice of discipline from the institution.
- 8           c.   In any cause of action under this subsection, the institution shall forward the  
9                   record to the court whose function it is to determine whether the final decision  
10                  reached by the institution, on the basis of the record ,could reasonably be said  
11                  not to be arbitrary, capricious, or otherwise contrary to law.
- 12       4.   In any successful appeal brought under subsection 3, the court shall award the  
13                  aggrieved student or student organization compensatory damages, reasonable court  
14                  costs, attorney's fees, including expert fees, and any other relief in equity or law that  
15                  the court deems appropriate, including:
- 16           a.   A de novo rehearing by the institution in accordance with this section; and  
17           b.   Monetary damages in an amount not less than the cost of tuition and fees paid by  
18                  the student or on the student's behalf, to the institution, for the semester during  
19                  which the alleged violation occurred or during which a suspension or expulsion  
20                  was imposed, plus monetary damages in an amount not less than the amount of  
21                  any scholarship funding lost as a result of the discipline.