

February 9, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2150

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to student and student organization disciplinary proceedings at institutions under the control of the state board of higher education.

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

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

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

1. Any student enrolled at an institution under the control of the state board of higher education has the right to be represented, at the student's expense, by the student's choice of either an attorney or a nonattorney advocate, who may fully participate during any disciplinary proceeding or during any other procedure adopted and used by that institution to address an alleged violation of the institution's disciplinary policies. This right only applies if the disciplinary proceeding involves a violation that could result in a suspension or expulsion from the institution. This right does not apply to matters involving academic misconduct.
2. Any student organization officially recognized by an institution under the control of the state board of higher education has the right to be represented, at the student organization's expense, by the student organization's choice of either an attorney or nonattorney advocate, who may fully participate during any disciplinary procedure or during any other procedure adopted and used by the institution to address an alleged violation. This right only applies if the disciplinary proceeding involves a violation that could result in the suspension or the removal of the student organization from the institution.
3.
  - a. Any student who is suspended or expelled from an institution under the control of the state board of higher education for a violation of the disciplinary or conduct rules of that institution and any student organization that is found to be in violation of the disciplinary or conduct rules of that institution may appeal the institution's decision to the same institutional body that conducted the original proceeding.
  - b. The student or a student organization must file the appeal no later than one year after the day the student or the student organization receives final notice of discipline from the institution. The right of the student or the student organization under subsection 1 or 2 to be represented, at the student's or the student organization's expense, by the student's or the student organization's choice of either an attorney or a nonattorney advocate, also applies to the appeal.

- c. The issues that may be raised on appeal include new evidence, contradictory evidence, and evidence that the student or student organization was not afforded due process. The institutional body considering the appeal may consider police reports, transcripts, and the outcome of any civil or criminal proceeding directly related to the appeal.
- 4. Upon consideration of the evidence, the institutional body considering the appeal may grant the appeal, deny the appeal, order a new hearing, or reduce or modify the suspension or expulsion. In any successful appeal brought under subsection 3, the institution may reimburse the student for any tuition and fees paid to the institution for the period of suspension or expulsion which had not been previously refunded."

Renumber accordingly