

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 the student's
10 choice of either an attorney or a nonattorney advocate, who may fully participate
11 during any disciplinary proceeding or during any other procedure adopted and used by
12 that institution to address an alleged violation of the institution's disciplinary policies.
13 This right only applies if the disciplinary proceeding involves a violation that could
14 result in a suspension or expulsion from the institution. This right does not apply to
15 matters involving academic misconduct.

16 2. Any student organization officially recognized by an institution under the control of the
17 state board of higher education has the right to be represented, at the student
18 organization's expense, by the student organization's choice of either an attorney or
19 nonattorney advocate, who may fully participate during any disciplinary procedure or
20 during any other procedure adopted and used by the institution to address an alleged
21 violation. This right only applies if the disciplinary proceeding involves a violation that
22 could result in the suspension or the removal of the student organization from the
23 institution.

- 1 3. a. Any student who is suspended or expelled from an institution under the control of
2 the state board of higher education for a violation of the disciplinary or conduct
3 rules of that institution and any student organization that is found to be in
4 violation of the disciplinary or conduct rules of that institution may appeal the
5 institution's decision to the same institutional body that conducted the original
6 proceeding.
- 7 b. The student or a student organization must file the appeal no later than one year
8 after the day the student or the student organization receives final notice of
9 discipline from the institution. The right of the student or the student organization
10 under subsection 1 or 2 to be represented, at the student's or the student
11 organization's expense, by the student's or the student organization's choice of
12 either an attorney or a nonattorney advocate, also applies to the appeal.
- 13 c. The issues that may be raised on appeal include new evidence, contradictory
14 evidence, and evidence that the student or student organization was not afforded
15 due process. The institutional body considering the appeal may consider police
16 reports, transcripts, and the outcome of any civil or criminal proceeding directly
17 related to the appeal.
- 18 4. Upon consideration of the evidence, the institutional body considering the appeal may
19 grant the appeal, deny the appeal, order a new hearing, or reduce or modify the
20 suspension or expulsion. In any successful appeal brought under subsection 3, the
21 institution may reimburse the student for any tuition and fees paid to the institution for
22 the period of suspension or expulsion which had not been previously refunded.