

Introduced by

Senators Schneider, Sitte

Representatives Beadle, Hawken, Mock, Oversen

1 A concurrent resolution directing the Legislative Management to study the manner in which
2 disciplinary hearings involving students are conducted at each institution under the control of
3 the state board of higher education and ensure that the parameters and policies applicable to
4 those hearings are well-articulated, appropriate for a public institution, and consistently and
5 properly applied.

6 **WHEREAS**, due process is a constitutional guarantee that embodies society's basic notions
7 of fairness; and

8 **WHEREAS**, due process procedures are designed to prevent arbitrary and unreasonable
9 decisions; and

10 **WHEREAS**, due process procedures applicable to disciplinary hearings involving students
11 at institutions of higher education are less well-proscribed than those within the judicial system;
12 and

13 **WHEREAS**, institutions of higher education often view disciplinary hearings involving
14 students as educational experiences and therefore not warranting well-proscribed due process
15 procedures; and

16 **WHEREAS**, an improperly conducted disciplinary hearing or an unsupportable decision can
17 have a detrimental effect on a student's psychological and emotional well-being and a critical
18 impact on a student's career and economic success; and

19 **WHEREAS**, every student at each institution of higher education under the control of the
20 state board of higher education should be afforded coherent and clearly comprehensible
21 parameters applicable to any disciplinary hearing involving the student;

22 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**
23 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

24 That the Legislative Management should study the manner in which disciplinary hearings
25 involving students are conducted at each institution under the control of the state board of

Sixty-third
Legislative Assembly

- 1 higher education and ensure that the parameters and policies applicable to those hearings are
- 2 well-articulated, appropriate for a public institution, and consistently and properly applied; and
- 3 **BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and
- 4 recommendations, together with any legislation required to implement the recommendations, to
- 5 the Sixty-fourth Legislative Assembly.