

2013 SENATE JUDICIARY

SCR 4025

2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SCR4025
3/6/2013
Job #19491

Conference Committee

Committee Clerk Signature 

Minutes:

Attached testimony

Senator David Hogue - Chairman

To study the manner in which disciplinary hearings involving students are conducted at each institution under the control of the state board of higher ed.

Senator Mac Schneider - District 42 - See written testimony.

Senator Schneider states that in light of recent information he asks that the bill be withdrawn. The committee discusses that maybe there should be some discussion on the part of the legislature to see if there is a problem. The committee does a verbal vote to agree to withdraw the bill. Senator Schneider said he would take care of it.

Bill to be withdrawn

Date: 3/6/13
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 4025**

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number Motion to withdraw the bill

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By S Nelson Seconded By S Lyson

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue			Senator Carolyn Nelson		
Vice Chairman Margaret Sitte			Senator John Grabinger		
Senator Stanley Lyson					
Senator Spencer Berry					
Senator Kelly Armstrong					

Total (Yes) _____ No _____

Absent Verbal yes

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

2013 TESTIMONY

SCR 4025

TESTIMONY OF SENATOR MAC SCHNEIDER - SCR 4025

NORTH DAKOTA SENATE JUDICIARY COMMITTEE

MARCH 6, 2013

Chairman Hogue, members of the committee, my name is Mac Schneider and I represent Grand Forks' District 42 in the North Dakota Senate. I am the prime sponsor of Senate Concurrent Resolution 4025, which would direct the Legislative Management to consider studying the manner in which disciplinary hearings involving students are conducted at our institutions of higher education in North Dakota.

I introduced this resolution at the request of the North Dakota Student Association. In addition to pursuing this resolution, however, NDSA has worked with the North Dakota University System to successfully draft a policy change with regard to student disciplinary procedures. Given this recent and good faith step by the North Dakota University System, NDSA now feels this resolution is unnecessary.

I have attached a letter from NDSA president William Woodworth, provided to me late Sunday evening, which discusses this issue more thoroughly and attaches the draft policy change.

Mr. Chairman, given that this resolution no longer needs to move forward, I defer to the committee's recommendation regarding how to proceed. I could ask for unanimous consent to withdraw the resolution this afternoon or the committee could bring the bill to the floor. I regret that the timing of this situation necessitated a hearing and the committee's involvement.

Thank you for your consideration.

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NDSA

The Voice of the Students

Chairman Hogue,

My name is William Woodworth, President of the North Dakota Student Association, representing the 48,803 students of the North Dakota University System. I respectfully request that you postpone the hearing on SCR 4025 scheduled for 9:00 AM on Wednesday, March 6, 2013 so that Sen. Schneider could request the resolution to be withdrawn on the Senate floor in its afternoon session.

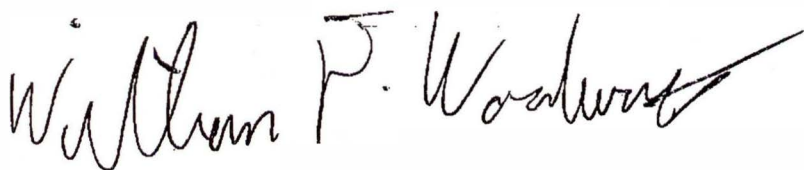
In November 2012, our organization passed a resolution requesting the North Dakota Legislature to address concerns students had with the conduct disciplinary hearings at the institutions of higher education. At our request, Sen. Schneider introduced SCR 4025.

In the interim period, we have also been working with the North Dakota University System to have a system wide policy addressing these procedures. In the last few days, the task force studying this issue drafted a policy change, which is included in the Appendix. After our organization reviewed the proposed policy change from the North Dakota University System, we determined that it would be acceptable at this time to recognize this step forward, even if it did not include all the features the students requested.

Because of this, the North Dakota Student Association feels that it is not necessary at this time to direct the Legislative Management to utilize its resources to study this issue. Thus, we respectfully request you postpone the hearing on this resolution so that Sen. Schneider may withdraw it.

If you have any questions or comments, feel free to contact me at williamdwoodworth@gmail.com, or my cell phone at 701-214-7925.

Thank you for your time.



William Woodworth, North Dakota Student Association President

Appendix

Draft Proposed Policy Regard Student Disciplinary Procedures

1. Each campus will establish its own student disciplinary procedures.

2. Minimum Requirements: Each campus's student disciplinary procedures will include, at a minimum, the following elements.
 - a. Adequate Notice: Any student accused of violating campus policies will receive adequate notice of the alleged violation.
 - i. In order for the notice to be adequate, the campus must identify the particular charge brought against the student.

 - ii. The notice must be provided to the student at least five (5) days prior to any hearing or deadline for a response from the student.

 - b. Hearing: Any student accused of violating campus policies will be entitled to a hearing with an opportunity to present his or her own defense.

3. Campuses may work with their respective student governments to develop procedural elements beyond the minimum requirements noted above, as the campuses deem appropriate and logistically feasible.