

## Student Due Process Requirements

In compliance with SBHE Policy 514 and legislation enacted by the 64<sup>th</sup> Assembly of North Dakota, Mayville State has established procedures to assure due process for students as part of its disciplinary process. These procedures are detailed in the Mayville State Code of Student Conduct and include the following provisions:

- A. When a complaint for a serious violation of the Mayville State Code of Student Conduct has been filed, the Director of Student Life will interview the complainant, the student cited in the complaint and any witnesses. Note: If either party/witness fails to appear, the Director of Student Life may proceed administratively in the parties' absence.
- B. The Director of Student Life, after discussion with both parties and any witnesses in the matter, will make a decision as to the disposition of the case and notify the student/organization using the physical or e-mail address provided by the student in Campus Connection. This decision may include one of the following actions:
  1. A dismissal of the allegation; or
  2. Assessment of a sanction appropriate to the charges; or
  3. Determination that the violation should result in conduct suspension or expulsion. In the event of a finding of suspension or expulsion, the Director of Student Life will:
    - a) Inform the accused student of this suspension or expulsion based on violations of standards of student behavior as outlined in the Code of Student Conduct or based on charges of violations of criminal or civil code as verified by law enforcement or the courts. A student who is suspended or expelled has the right to appeal this decision to the Conduct Board as outlined below.  
OR
    - b) Prepare a complaint based on the allegation and refer the case to the Conduct Hearing Sub-Committee. In such situations, the student alleged to have committed the offense shall be given a minimum of three days' notice before a hearing is held by the Conduct Board.
- C. The Director of Student Life shall notify the accused in writing of the outcome of the complaint with information explaining the appeal process.
- D. The Director of Student Life will maintain complete records of all formal conduct and sanction proceedings.
- E. Any student who receives an official sanction of suspension or expulsion from the Director of Student Life may request an appeal hearing before the Conduct Hearing Sub-committee within three days of being notified of the decision under question. Failure to request an appeal hearing within the time allowed will be considered as the student's agreement with the sanction of suspension or expulsion.
- F. The Vice President for Student Affairs will organize formal hearings of the Conduct Hearing Sub-committee. The Conduct Hearing Sub-committee will consist of two faculty or staff who are members of the Student Affairs Committee and two students appointed by the Student Senate. The Vice President of Student Affairs shall chair the sub-committee. Hearings of the University Conduct Hearing Sub-Committee shall proceed as follows:

1. Within three (3) days of receiving the student's notice of their desire to appeal the decision under question to the Conduct Hearing Sub-Committee, or of being notified by the Director of Student Life that a case involving suspension or expulsion has been referred to the Committee, the Vice President of Student Affairs will schedule the meeting and will notify members of the sub-committee and the student(s) involved of the time and place of the meeting. The notice of hearing shall include the following:
    - a. A statement of the time, place and nature of the hearing;
    - b. A reference to the particular section(s) of the Standards of Conduct involved;
    - c. A short and plain statement of the matters asserted;
    - d. A statement of the student's rights under these regulations, including an opportunity to present his/her own defense and the right to have an advisor or legal counsel present and available at all proceedings. Such legal counsel or advisor shall have the right to fully participate in the hearing as defined in Section 5 below and as allowed by the Committee Chair.
  2. No member of the Conduct Hearing Sub-Committee who has a personal interest or involvement in a particular case may sit in judgment in that meeting.
  3. The Director of Student Life will attend the hearing and will present the statement of complaint and the supporting evidence.
  4. In connection with presenting the case, the Director of Student Life may present witnesses.
  5. When the case has been presented, the accused student may respond and may present witnesses in his or her behalf and may fully participate in the process, including the right to make opening and closing statements, and examine and cross examine witnesses, as allowed by the Committee Chair.
  6. Persons presenting supporting evidence may address the Conduct Hearing Sub-Committee only at the pleasure of the chairperson.
  7. Members of the Conduct Hearing Sub-committee may ask questions of any witness.
  8. For purposes of considering evidence presented, the Conduct Hearing Committee shall use a "preponderance of evidence" standard and shall make good faith efforts to include relevant evidence.
  9. At the conclusion of the hearing, the council will meet privately to consider a decision and will notify in writing the Director of Student Life and the students involved within twenty-four (24) hours of its decision.
  10. The decision of the Conduct Hearing Sub-committee will include the recommended sanction, which could include suspension or expulsion, dismissal of the charges or alternative sanctions.
  11. A student who fails to appear for a scheduled hearing will be deemed to have waived his/her right to a hearing.
- G. The student has the option to appeal any conduct discipline action of the Conduct Hearing Subcommittee involving suspension or expulsion to the President of the University within five (5) days of the decision under question. In general, an appeal must be based on errors committed during the investigation and/or hearing process that had a substantial effect on the determination of whether the violation occurred or not.

**Adopted: June, 2015**

**Sponsor: Vice President for Student Affairs**